

PROPOSED AGENDA

COUNCIL MEETING

August 3, 2011

7:00 PM

CALL TO ORDER – Mayor Sammy Phillips

PLEDGE OF ALLEGIANCE

INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

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CLOSED SESSION – For the purpose of discussing personnel matters pursuant to General Statute 143-318.11, subsection (a-6).

## COUNCIL MINUTES

### SPECIAL WORKSHOP MEETING

July 19, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, July 19, 2011 beginning at 5:00 PM in Council Chambers of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, and Bob Warden. Councilman Jerome Willingham was absent. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Glenn Hargett, Communications and Community Affairs Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. \*An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

#### CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:00 PM.

#### ADOPTION OF AGENDA

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously approved to adopt the agenda as presented.

#### DOWNTOWN DESIGN GUIDELINES REVIEW

Mary Sartell, Senior Planner, distributed a copy of the draft ordinance amendment and provided a brief overview of the proposed updates to the Downtown Guidelines. There were four districts in the Downtown as follows: Residential 3 (RD-3), Residential 5 (RD-5), Office and Mixed Use (OMU), and the Central Business District (CBD). The four districts currently operate under a Downtown Design Guidelines framework that was adopted in 1998. Ms. Sartell explained the purposes of updating the guidelines included to bring the guidelines up to date and to provide additional clarity and flexibility. The updated guidelines included the recommendations from the 2007 Downtown Master Plan, which were also included in the Unified Development Ordinance (UDO) rewrite. The updates were reviewed by the UDO Steering Committee as well as the downtown building community to ensure support of the updated standards.

Ms. Sartell reviewed the significant changes as well as the standards that would be permitted, not permitted, and those which would require a special use approved by Council. She

also reviewed the proposed changes to the Sign regulations for downtown which were fairly strict under the 1998 guidelines but would now be more flexible.

Mr. Woodruff said that staff would provide Council with an Executive Summary of the key changes that they could review at their leisure. Mr. Woodruff and Ms. Sartell proceeded to review in detail the significant recommendations of the ordinance amendment. The review included residential and commercial architectural design standards, façade, setbacks, parking, sign regulations, landscaping, etc. In addition they reviewed the context based format of the standards and the graphics that helped to clarify the requirements. Another improvement included having all standards related to a particular zone within one area of the document so that users did not have to reference additional sections of the ordinance in order to review all standards related to a district. In addition, the flexible options allowed the downtown developers more choices in materials, especially in being able to use newer materials which allowed the industry more flexibility as they design their buildings.

In terms of fences, Mayor Pro-Tem Lazzara asked if the issue related to ambiguous fence type definitions had been clarified. This related to an issue earlier in the year involving picket fence design. Ms. Sartell said yes, and stated that the issue of type of fences allowed downtown was clarified by specifically listing the products and maximum heights of fences in front, back, and side yards. In addition, fence types such as picket fences had been defined to include requiring the slats to spaced 1.5 inches apart to qualify as such.

Councilman Thomas asked if locating retail space on the ground level with residential located above was allowed. Mr. Woodruff said yes, and gave an example of a building with a restaurant or office on the lower level with residential on the upper levels.

Mr. Woodruff said it was important for Council to note in the CBD zone that the standards were recommending a six story maximum building height. For comparison, he said the new Justice Complex would be considered five to six stories in height. This responded to the expectation that Jacksonville would continue to achieve a tremendous amount of economic growth in retail and quality office complexes and the downtown area could be available for some of that growth.

Councilman Thomas asked if the developer of such a building would be obligated to provide parking. Mr. Woodruff said no and pointed out that there was no requirement for development in the downtown to provide parking. Mr. Woodruff added that staff was finishing

up the Downtown Parking Report for Council's review. This report provided an analysis of all of the current downtown parking.

In terms of signage, Mr. Woodruff pointed out the change to allow sandwich board signs, which would be limited to 8 square feet. However, it was understood that if sidewalks were only four feet wide, the signage could become a hazard. Therefore, staff hoped to look at restructuring a lot of our sidewalks downtown such as across from the Justice Complex. They were currently working to see if those sidewalks could be redesigned to 8 or 10 feet wide

A brief discussion was held on the specialty eating establishments such as ice cream parlors and coffee shops which were allowed in the standards to offer drive through service; however, larger eating establishments, such as restaurants were not. Councilman Warden who served on the UDO Steering Committee stated that the Committee had worked hard to define a specialty eating establishment.

Mr. Woodruff stated this product was a team effort between the steering committee appointed by Council, the building and development industry and governmental staff. There were a lot of changes proposed and he asked Council to review it and to contact him if they had questions or needed more information. This item would be scheduled for a future Council meeting for further discussion and consideration of approval.

#### ADJOURNMENT

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 5:55 PM.

## COUNCIL MINUTES

### REGULAR MEETING

July 19, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, July 19, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, and Bob Warden. Councilman Jerome Willingham was unable to attend. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. \*An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

#### CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:00 PM.

#### PLEDGE OF ALLEGIANCE

Councilman Thomas led the Pledge of Allegiance.

#### INVOCATION

Mr. John Carter pronounced the invocation.

#### ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to adopt the agenda as amended to include a Freedom Fountain presentation.

#### ADOPTION OF MINUTES

A motion was made by Councilman Thomas, seconded by Council Member Coleman, and unanimously adopted to approve the minutes of a Special Workshop Meeting held June 21, 2011 as presented and the minutes of the Regular Meeting held June 21, 2011 as presented.

#### RECOGNITION

Mayor Phillips recognized Paul Buchanan, Vice Chairman of the Onslow County Commissioners, who was in attendance.

## PRESENTATIONS

### FREEDOM FOUNTAIN PRESENTATION

Dr. Don Herring, Chairman of the Onslow Civic Affairs Committee, provided an update on the Freedom Fountain. He presented Council with a framed artist's rendering of the fountain in appreciation of their work and support, and thanked them for helping carry forth this Legacy project. Dr. Herring invited everyone to the groundbreaking set for 9:00AM on Thursday, July 28, 2011 at the site.

Mayor Phillips stated the fountain was going to be a good addition to downtown and Jacksonville in general. He asked Mr. Woodruff how the project would be financed. Mr. Woodruff stated the City provided the land and the funds to prepare the conceptual designs. Funds were being raised for building the fountain which represented freedom and not a particular war or event. It was designed to represent every citizen, and every citizen was being asked to contribute. Currently there was \$425,000 in pledges towards a \$600,000 goal for Phase 1. The vast majority came from individuals in amounts as low as \$5; every amount was appreciated. Donations were tax deductible and information could be found on the City website.

### PROCLAMATION – HOLIDAY CITY DAY

Mayor Phillips read a Proclamation naming Tuesday, July 19, 2011 as Holiday City Day in the City of Jacksonville recognizing Kate LaVanche, Mickey Cohn, and staff members for their efforts to assist and support residents, perform clean-up and rebuild Holiday City Mobile Home and Apartments Community following the tornado of April 16, 2011. Mr. Cohn thanked all those who helped out. Ms. LaVanche invited everyone to an appreciation cookout on Saturday starting at 4:30 PM at Holiday City.

### PROCLAMATION – DISABILITIES AWARENESS DAY

Mayor Phillips read a Proclamation naming Saturday, July 23, 2011 as Disabilities Awareness Day in recognition of the 21<sup>st</sup> anniversary of the Americans with Disabilities Act and invited the public to attend an Ice Cream Social at the Jacksonville Commons Recreation Complex on Saturday, July 23, 2011. Following the reading of the Proclamation, Gary Miner from the Mayor's Committee for Persons with Disabilities accepted the Proclamation.

PROCLAMATION – NATIONAL NIGHT OUT

Mayor Phillips read a Proclamation naming Tuesday, August 2, 2011 as National Night Out Day in recognition of the 28<sup>th</sup> Annual National Night Out event to promote police-community crime prevention efforts. National Night Out has been observed in Jacksonville for the past 13 years and has become the main community event. Following the reading of the Proclamation, Police Chief Mike Yaniero accepted the Proclamation.

OATHS OF OFFICE – POLICE DEPARTMENT PROMOTIONS – LIEUTENANT  
RANDALL NORDSTROM AND SERGEANT ANTHONY HORNE

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Mayor Phillips reviewed the qualifications and past law enforcement service for Lieutenant Randall Nordstrom and Sergeant Anthony Horne. Mayor Phillips administered the Oath of Office to Lieutenant Nordstrom while his wife Vickie held the Bible. His wife then pinned on the Lieutenant badge and his sons, Connor, Cody, Christian and Brian, pinned on the rank insignia. Mayor Phillips then administered the Oath of Office to Sergeant Horne while his son Chase held the Bible. His wife Shirley pinned on the Sergeant badge and his children, Amber, Alyssa and Chase, pinned on the rank insignia. Chief Yaniero stated that both Lieutenant Nordstrom and Sergeant Horne worked very hard on the promotion process which is a very comprehensive process.

YARDS OF THE MONTH RECOGNITION

Mayor Phillips recognized David and Shawn Reintjes for the receiving the Residential Yard of the Month Award and John Forsmark and John Perry of Credo's Pizza and Ribs for receiving the Business Yard of the Month Award. The recipients were unable to attend to accept their awards.

OPERATION B-4 COMMITTEE PRESENTATION TO THE CITY

Alva Williams and Shirlene Kellum, chair and co-chair of the Operation B-4 Committee, presented a plaque to City Council thanking the City of Jacksonville for their support of the fundraising campaign for the April 16, 2011 Onslow County tornado victims. A total of over \$20,000 was raised for the victims. Ms. Williams stated that Councilman Thomas served as treasurer on the board. They were so successful that someone from the Governor's office along with a FEMA representative came to one of their meetings. They stated that they never saw a community come together the way that Jacksonville did. The Operation B-4 Committee was becoming a 501(c)(3) and would hold fundraisers throughout the year to help with any future

disasters. Mayor Phillips thanked the Committee for their community spirit and the great job they did.

#### REPORT TO CITY COUNCIL – PLANNING BOARD

Dr. Douglas Lesan, Chairman of the Planning Board, provided a brief report on the annual activities, accomplishments and goals of the Committee. Mayor Pro-Tem Michael Lazzara is the Council Liaison to the Board.

#### PUBLIC HEARINGS

##### REZONING FROM RA-20 TO CU-B-1 – 930 RAMSEY ROAD

Ms. Mary Sertell, Senior Planner, stated that Johnny and Jennifer Avila had submitted a request to rezone one parcel totaling 5.45 acres from Residential Agricultural 20 (RA-20) to Conditional Use Business 1 (CU-B-1). The subject site was located at 930 Ramsey Road.

Mayor Phillips recessed the regular meeting at 8:00 PM in order to convene the Public Hearing.

John Avila, 930 Ramsey Rd., stated he and his wife purchased the property in February 2011 and moved the coaches onto the property later that month. In April 2011 they received a Notice of Violation from the City of Jacksonville. They followed all the necessary steps after receipt of the notice to change the zoning. The Board of Adjustment heard their case in May 2011 and they were currently appealing that decision. At the property, they have a very small operation where they store the coaches. Their main operations were aboard the military bases in the area. There was no customer traffic on the property. A short video was shown on the property giving the sound decibel reading of the coaches both sitting in the yard and leaving the property. A view of the location of the neighboring properties was also shown. Mr. Avila stated they would add whatever buffering was needed to keep the noise down and maintain the aesthetic value of the property.

Mayor Pro-Tem Lazzara asked how many buses were on the property. Mr. Avila stated there were seven in operation and six in storage.

Mayor Phillips asked about the hours of operation. Mr. Avila stated that they did not have set hours of operation; hours were based on when they were needed.

Randy Rhoderick, 942 Ramsey Road, was elected as the spokesperson for those against the rezoning. He stated that since mid-March his family had been awakened at all hours of the night because of the noise and vibration of the buses. The engines of the buses were started and

ran for up to an hour and forty minutes to warm up, in addition to the other noises coming from the buses. When this first started, he went to 930 Ramsey Road to complain, but found that Mr. Avila did not reside there. It was not until he complained to the Sheriff's department that Mr. Avila came to speak to the nearby residents. Even when he was told at the beginning of April to move the buses in ten days because of the violation, the noise continued. Mr. Rhoderick described various problems that the other neighbors were experiencing.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 8:25 PM and reconvened the regular meeting.

Mr. Carter informed Council that a formal protest petition had been filed and in order to pass the rezoning, five of the six Council members would have to vote for it.

Mayor Pro-Tem Lazzara stated he could see both sides of the issue, but felt this was more an issue of zoning and what was permitted and what was not permitted in the general area. The property was in a RA zone – single family residential property. The business owner should have made sure that the proper zoning was there for him to conduct his business before he bought the property.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to deny the rezoning request based on findings of fact A, B, C, and D being found in the negative and that the rezoning did not advance the public interest.

#### COASTAL AREA MANAGEMENT ACT (CAMA) LAND USE PLAN

Ms. Mary Sertell, Senior Planner, stated that pursuant to State of North Carolina requirements in the Coastal Area Management Act, Jacksonville staff, residents, and consultants had created an update to the 1999 CAMA Land Use Plan. This updated Plan reflected demographic, environmental and development trends as well as goals, policies and maps to guide future development. The CAMA Land Use Plan would replace The Growth Management Element that was adopted in 2007.

Mr. Woodruff asked about the McCray property. Ms. Sertell stated it had been changed to mixed use development which allowed commercial and residential development in that area.

Mayor Phillips recessed the regular meeting at 8:32 PM in order to convene the Public Hearing

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 8:33 PM and reconvened the regular meeting.

A motion was made by Councilman Bittner, seconded by Councilman Thomas and unanimously approved to adopt the CAMA Land Use Plan as a substitute for the Growth Management Element.

Resolution 2011-22, Bk. 6, Pg. 399

CONDITIONAL USE PERMIT AND SITE PLAN – CAROLINA ALE HOUSE –  
1649 WESTERN BOULEVARD

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Mayor Phillips recessed the regular meeting at 8:34 PM in order to convene the Public Hearing.

Mayor Phillips swore in Mr. Jeremy Smith, Senior Planner. Mr. Smith stated that HagerSmith Design had submitted a Conditional Use Permit and Site Plan application for a proposed 9,887 square foot restaurant. The 2.29 acre development site was located at 1649 Western Boulevard and within the City limits. The property was zoned Conditional Use-Business-1 (CU-B-1) and within this district any use required a Conditional Use Permit.

Mayor Phillips swore in Sharon Stroggin, Landscape Architect with HagerSmith Design, 300 South Dawson, Raleigh and she stated she would answer any questions that Council had.

Mayor Phillips asked if the building would look like the rendering. Ms. Stroggin stated that the other restaurants looked like the renderings, including one she had been involved with in Wake Forest.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 8:37 PM and reconvened the regular meeting.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously adopted to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions noted in the staff report as follows:

Conditions of Site Plan:

- 1) Revise the Site Plan per TRC comments in Exhibit B;
- 2) Submit a recombination for the proposed development lot prior to the issuance of a building permit.

CONDITIONAL USE PERMIT AND SITE PLAN – REALO DISCOUNT DRUGS –  
2680 HENDERSON DRIVE

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Mayor Phillips recessed the regular meeting at 8:38 PM in order to convene the Public Hearing.

Mayor Phillips swore in Mr. Jeremy B. Smith, Senior Planner. Mr. Smith stated that DDJ Investments, LLC, had submitted a Conditional Use Permit and Site Plan application for a proposed 20,000 square foot pharmacy and retail building. The 2.26 acre development site was located at 2680 Henderson Drive within the City limits. The property was zoned Conditional Use-Business-1 (CU-B-1) and within this district any use required a Conditional Use Permit. The proposed development would impact the City's Sewer Allocation Policy. Sewer allocations requests would be processed in accordance with the adopted policy.

Mayor Pro-Tem Lazzara stated he was at the Planning Board meeting and thought the original denial recommendation did not pass. Mr. Smith stated that there had been considerable discussion and it was finally denied. Mayor Pro-Tem Lazzara wanted to clarify the record and stated that the Planning Board minutes were confusing as he thought it had passed.

Mayor Phillips swore in Ryan King, Planning Administrator. Mr. King stated that the Planning Board recommended denial of the Conditional Use Permit and Site Plan. He had asked the Planning Board to state the reasons they were recommending denial so that if the applicant decided to amend the plans between the Planning Board meeting and when it was brought to Council it could be changed. The plan that City Council was looking at had been revised to incorporate the 30 foot buffer and the building had decreased in size. Mr. King stated that based on his opinion, revisions were made based on the biggest issues the Planning Board had.

Mr. Woodruff asked if the applicant had increased the buffer from what was originally proposed to meet the current standard of 30 feet and reduced the size of the building. Mr. King stated that was correct and the plan in front of Council was the one to be approved.

Councilman Thomas questioned the abandonment of easement. Mr. Smith stated there was an existing drainage easement; however, the City would not be inclined to grant an abandonment of easement which would allow the applicant to keep the buffering there and maintain it. Mr. Woodruff stated that not knowing the future needs of the City and knowing the fact that the Site Plan could be approved with the easement there, it was felt that it would be in the City's best interest to keep the easement giving the City more flexibility in the future.

With no one desiring to speak Mayor Phillips closed the Public Hearing at 8:46 PM and reconvened the regular meeting.

A motion was made by Councilman Thomas, seconded by Councilman Warden, and unanimously adopted to approve the Conditional Use Permit and Site Plan based on findings of

fact A through G being found in the affirmative with conditions identified within the Staff

Report as follows:

Conditions of Conditional Use Permit:

- 1) Submit a recombination plat, combining the lots of the proposed development;
- 2) Install all required improvements recommended in the TIA.

Conditions of Site Plan:

- 1) Revise the Site Plan per TRC comments in Exhibit C prior to the issuance of a building permit.

CONDITIONAL USE PERMIT AND SITE PLAN – BUFFALO WILD WINGS –  
4175 WESTERN BOULEVARD

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Mayor Phillips recessed the regular meeting at 8:47 PM in order to convene the Public Hearing.

Mayor Phillips swore in Mr. Jeremy B. Smith, Senior Planner. Mr. Smith stated that Parker and Associates, Inc. had submitted a Conditional Use Permit and Site Plan application for a proposed 6,910 square foot restaurant. The 2.32 acre development site was located at 4175 Western Boulevard within the City limits. The property was zoned Conditional Use-Business-1 (CU-B-1) and within this district any use required a Conditional Use Permit.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 8:49 PM and reconvened the regular meeting.

A motion was made by Councilman Warden, seconded by Council Member Coleman, and unanimously adopted to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report as follows:

Conditions of Site Plan

- 1) Revise the Site Plan per TRC comments in Exhibit C prior to the issuance of a building permit.

CONDITIONAL USE PERMIT AND SITE PLAN – STATE EMPLOYEES CREDIT  
UNION (SECU) – 114 NORTH PLAIN ROAD

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Mayor Phillips recessed the regular meeting at 8:50 PM in order to convene the Public Hearing.

Mayor Phillips swore in Mr. Jeremy B. Smith, Senior Planner. Mr. Smith stated that O'Brien/Atkins Associates, LLC had submitted a Conditional Use Permit and Site Plan application for a proposed 10,504 square foot bank. The 2.69 acre development site was located

at 114 North Plain Road within the City limits. The property was zoned Conditional Use-Business-1 (CU-B-1) and within this district any use required a Conditional Use Permit. The proposed development would impact the City's Sewer Allocation Policy. Sewer allocation requests would be processed in accordance with the adopted policy.

Mayor Phillips asked if there was any ingress, egress off Western Blvd. Mr. Smith stated access was only from North Plain Road.

Councilman Warden stated that the submittal does not show a connection between Buffalo Wild Wings and SECU. Mr. Smith stated that a connection could be added by Council as a condition on the Conditional Use Permit.

Dave Kaiser with Obrien Atkins, 5001 South Miami Blvd, Durham, addressed the issue of interconnectivity. In the Master Plan for the entire site, there was interconnectivity provided in the long range to access Western Blvd. The Credit Union felt it would impose a hardship and safety issue for the site if required.

Councilman Warden asked why it was felt the interconnectivity would be detrimental. Mr. Kaiser stated that by introducing the cross access, a greater traffic load would be created than planned.

Jamie Applequist, SECU District Manager, 1404 South Stagecoach Trail, Jacksonville, stated that at the current site there was a cross access easement. There have been multiple accidents and fender benders with traffic coming through the site and it has become a hazard. He felt if cross access was allowed at the new site, the same problem would continue.

A brief discussion on interconnectivity was held.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 9:01 PM and reconvened the regular meeting.

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously adopted to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the staff report as follows:

Conditions of Conditional Use Permit

- 1) Install all required improvements recommended in the TIA

Conditions of Site Plan

- 1) Revise the Site Plan per TRC comments in Exhibit C prior to the issuance of a building permit.

SPECIAL USE PERMIT AND SITE PLAN – AIR STATION STORAGE – 1121 OLD  
MAPLEHURST ROAD

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Mayor Phillips recessed the regular meeting at 9:02 PM in order to convene the Public Hearing.

Mayor Phillips swore in Mr. Jeremy B. Smith, Senior Planner. Mr. Smith stated that Bailey and Associates, Inc., had submitted a Special Use Permit and Site Plan application for a proposed 48,000 square foot warehouse, personal storage facility. The 2.65 acre development site was located at 1121 Old Maplehurst Road within the City's Extraterritorial Jurisdiction. The property was zoned Business-1 (B-1) and within the district warehouse, personal storage facilities required a Special Use Permit.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 9:04 PM and reconvened the regular meeting.

A motion was made by Councilman Thomas, seconded by Councilman Warden, and unanimously adopted to approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the staff report as follows:

Conditions on the Site Plan

- 1) Revise the Site Plan per TRC comments in Exhibit C prior to the issuance of a building permit.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

NEW BUSINESS

CONSENT ITEMS

PRELIMINARY AND GENERAL PLAN – TUSCANY VILLAS – CARRIAGE DRIVE

John L. Pierce and Associates had submitted an application for a proposed Preliminary and General Plan that indicated 2.68 acres being divided into 32 townhouse lots on Carriage Drive. The Preliminary and General Plan also identified a private drive to service traffic for the townhouse lots internally. The proposed development would impact the City's Sewer Allocation Policy. Sewer allocation requests would be processed in accordance with the adopted policy.

Council moved to approve the Preliminary and General Plan for Tuscan Villas – Carriage Drive.

PRELIMINARY AND GENERAL PLAN – LOT 4 OF HDX SUBDIVISION –  
HENDERSON DRIVE

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Liberty Healthcare Properties of Onslow County had submitted an application for a proposed Preliminary and General Plan that indicated 13.89 acres being divided into 4 commercial lots near the corner of Indian Drive and Henderson Drive. The proposed development was located in the City limits. There were no extensions of sewer and water facilities therefore this would not impact the City's Sewer Allocation Policy.

Council moved to approve the Preliminary and General Plan for Lot 4 of HDX Subdivision – Henderson Drive conditioned on the items identified within the staff report as follows:

Plan Conditions

- 1) Tracts 1 and 2 are required to utilize the existing driveway (shared) that currently serves as an access for Liberty Commons Healthcare Facility;
- 2) The access easement be extended to the northwest to provide for adequate stem length as required by NCDOT;
- 3) Provide 12 foot access easement along the rear of all property lines.

RELEASE OF NON-PERSONNEL CLOSED SESSION MINUTES

The Non Personnel Closed Session Minutes listed in the staff report had been reviewed by the City Attorney, City Clerk and City Manager and were recommended for release, in accordance with Resolution 2003-01 and N.C. General Statutes.

Council moved to approve releasing the Closed Session Minutes for April 17, 2007; January 22, 2008; March 18, 2008; February 2, 2010; and September 21, 2010.

ACCEPTANCE OF PUBLIC IMPROVEMENTS: KENSINGTON PARK SECTION II

The Engineering Division staff had personally observed the work performed, approved the construction and filed inspection reports recommending the approval of Kensington Park Section II. The improvements included: water mains; sewer mains; sewage pumping station; fire hydrants; roads; curb and gutter; sidewalks; and that portion of the storm drainage system that drained City streets excluding the stormwater detention pond which was to be maintained by the Homeowners Association. If approved, these improvements, with the exception of sidewalks, would be covered by a warranty that would expire 18 months from this date.

Council moved to approve for City maintenance the public improvements in Kensington Park Section II.

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to provide renewed financial guarantees: Aragona Village, Section IX-B; Eastgate; Emerson Park Section I of Williamsburg Plantation; Fieldstone at Haws Run, Section I; Maynard Manor Phase V; Maynard Manor Phase VI; Schilsky Tract/Western Boulevard; Southeastern Steel Choppers, Inc. and The Home Depot. It was also recommended that Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Council moved to authorize staff to process condemnation of the financial guarantee if the developer was unwilling or unable to provide proper surety and to extend the Surety Agreement.

ACCEPT LAND DONATION FROM JACKSONVILLE POLICE TRAINING  
ACADEMY INC. AND APPROVE THE SPECIAL WARRANTY DEED

Jacksonville Police Training Academy Inc. had offered to donate the land that comprised the Jacksonville training grounds and facility. This parcel totaled about 10 acres. The conveyance was made subject to the following condition: "In the event the City of Jacksonville elects to sell the property described herein, all of the net proceeds of said sale shall be earmarked to be used by the City for law enforcement firearms training."

Council moved to accept the land donation and approved the Special Warranty Deed.

COST RECOVERY AGREEMENT AND AMENDMENT OF NORTH MARINE  
TOWN CENTER (NMTC) DEVELOPMENT AGREEMENT WITH BAILEY  
AND ASSOCIATES, INC. – NORTH MARINE TOWN CENTER WATER &  
INFRASTRUCTURE

On September 23, 2009, the City and Bailey and Associates, Inc. entered into a development agreement for improvements at North Marine Town Center (NMTC). Bailey and Associates desired to execute a Cost Recovery Agreement whereby they could recover a portion of the cost of sewer infrastructure that would benefit offsite properties. Any recovery would be a prorated share of the cost Bailey and Associates had incurred to construct the infrastructure. An amendment to the existing NMTC Contract would establish a partnership between the City and the developer to extend a water line on Dixie Trail across US 17 and up US 17 to Piney Green Road and turn down Piney Green Road to North Marine Town Center's connection point on the

south side of Piney Green Road. This partnership would allow City water to be available to existing and future residents in this area.

Council moved to approve the Cost Recovery Agreement, amendment to the NMTC Improvement Contract, and the budget amendment as presented.

#### REVISIONS TO WATER AND SEWER EXTENSION POLICY

The Manual of Specifications, Standards and Design (“Manual”) was approved by Council on June 6, 2006. The materials, standard details and design methodology were the minimal requirements for the City of Jacksonville. It was intended to facilitate ease of use by both design engineers and contractors. Staff requested two modifications to the Water and Sewer Extension Policy (“Policy”) which was a component of the Manual. These two revisions included updating how facility charges were accessed and to add language to allow facility charges that had been accessed to be transferred to a new parcel when the initial service was eliminated.

Council moved to approve the revisions to the Water and Sewer Extension Policy found within the Manual of Specifications, Standards and Design as presented.

#### NON-CONSENT ITEMS

#### ELECT CITY REPRESENTATIVES TO THE ONSLOW WATER AND SEWER AUTHORITY (ONWASA)

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There were two positions reserved on the Onslow Water and Sewer Authority (ONWASA) Board of Directors for members of the Jacksonville City Council. The ONWASA Bylaws provided for appointments to three year staggered terms. Any member could be reappointed by their representative government for subsequent terms. On October 21, 2008, Council adopted Ordinance 2008-45 amending the Jacksonville City Code to add DIVISION 15 – Section 2-450 to govern the City’s appointment process to ONWASA. Section 2-450 provided for Council appointments to ONWASA to be elected annually by Council at their second regular meeting in July. At such time, a current ONWASA appointee may be re-appointed or replaced by Council. Any change in appointment was effective August 1. On January 4, 2011, Mayor Pro-Tem Michael Lazzara was elected to fill an unexpired ONWASA term due to expire July 31, 2012. On July 20, 2010, Councilman Jerry A. Bittner was elected to a three year ONWASA term expiring July 31, 2013.

A motion was made by Councilman Warden and seconded by Councilman Thomas to re-appointment Mayor Pro-Tem Michael Lazzara to an existing term expiring July 31, 2012 and Councilman Bittner to a three year term expiring July 31, 2013.

Councilman Warden and Mayor Phillips expressed their appreciation for the work that Councilman Bittner and Mayor Pro-Tem Lazzara have done with ONWASA

A vote was taken on the motion and was passed unanimously.

#### PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

#### REPORTS

##### TAC MEETING

Mayor Pro-Tem Lazzara stated that the draft report of the transportation project list was adopted at the Traffic Advisory Committee (TAC) meeting today. There was still a prioritization process to follow through for possible future funding from NCDOT. A copy would be provided to the Council members. He also stated that Anthony Prinz, MPO Administrator, and staff were doing a tremendous job. Councilman Warden echoed Mayor Pro-Tem Lazzara's comments.

##### CITY MANAGER AND PLANNING BOARD

Councilman Thomas thanked the City Manager and Planning Board for the great job they were doing. Tonight five projects were approved which would add millions of dollars to the tax base of the City. In addition, of those five Conditional Use Permits and Site Plans, the majority were only 70 days old and the conditions placed on the items were at a minimum. Working with the developers was showing.

##### ICE CREAM SOCIAL

Council Member Coleman reported that the Mayor's Committee for Persons with Disabilities was hosting an Ice Cream Social this Saturday from 1PM to 4PM at the Jacksonville Commons. She also noted that she would be out of town from August 3 through August 6.

##### DEVELOPMENT

Mayor Phillips commended Mary Sertell and the Planning Department for putting together the Downtown Design Standards that were reviewed at the Special Workshop. He also commended the staff for moving the projects along. He has seen more and more businesses being added to Jacksonville that were accommodating the desires of the people in our community.

CITY MANAGER

Mayor Phillips felt the style of management that Mr. Woodruff brought to the City of Jacksonville has helped to assure that we were working with and not against people and commended him for his extreme efforts. Councilman Bittner stated he believed Mr. Woodruff was up for his evaluation. Mayor Phillips stated it should be scheduled for discussion at a closed session at the next Workshop.

NATIONAL NIGHT OUT

Mayor Phillips encouraged everyone to come out for National Night Out on Tuesday, August 2, 2011 starting at 5:30 PM. This was the City's main community event. Many service organizations from the community would be there. Last year there were in excess of 10,000 people at the event.

NEXT COUNCIL MEETING

Mr. Woodruff stated that the next Council meeting would be on Wednesday night, August 3, 2011 instead of Tuesday night.

GROUND BREAKING CEREMONY

Mr. Woodruff stated that on Wednesday, August 3 at 4:30 PM there would be a ground breaking ceremony for a new institution being built at the Jacksonville Business Park. This was the first private sector development at the Business Park.

OPEN HOUSE FOR WATER PLANT

Mr. Woodruff stated that on Wednesday, August 3 at 5:00 PM there would be an Open House/Ribbon Cutting for the new water plant.

REDISTRICTING PLAN APPROVAL

Mr. Woodruff commended Mr. Carter and Mr. Hargett for their work on the Redistricting Plan. Notice had been received that the Redistricting Plan was approved by the Federal government. This morning confirmation was received by the State elections office that the City's upcoming elections could be held on schedule. Starting Monday, July 25 at noon and ending August 12, anyone desiring to run for one of the three seats could register.

COMMUNITY DEVELOPMENT HOUSES

Mr. Woodruff stated that all four of the Community Development houses were now under construction. One had a sales contract that has closed, one had a contract that should be signed soon, and several other homes in that area were still available. Tours would be set up

during National Night Out to see the homes. The neighborhood was moving along extremely well.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 9:19 PM.



# City Council Presentation

Presentation Item: <b>A</b> Date: 7/20/2011
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**Subject:** Retirement Recognition – Orlando Maxwell

**Department:** Public Services

**Prepared by:** Grant Sparks, Public Services Director

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## Presentation Description

Orlando Maxwell has retired from the Public Services Department-Streets Division after 5 years of service. He will be recognized by the City for 5 years of service with the Streets Division.

## Action

Present Orlando Maxwell's retirement recognition.

## Attachments:

Biography of Orlando Maxwell



# Presentation Information

Presentation  
Item:

**A**

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## Presentation of Retirement Recognition – Orlando Maxwell

### Biography – Orlando Maxwell

#### **Orlando Maxwell**

**Wife: Vilma**

**Children: 4 sons and 3 daughters (from previous marriage)**

Orlando Maxwell was hired with the City of Jacksonville on January 17, 2006, as a Maintenance Worker II and has worked in that capacity for the Division for 5 years.

Orlando was born in the Panama Republic of Panama, Canal Zone. He served in the US Marine Corps and retired in 2006 with 30 years of service. During his enlistment, he served in duty stations in the US, Cuba, Japan, and in Desert Shield/Desert Storm. He received numerous Marine Corps awards during his years of service.

Since retiring from the Marine Corps, Orlando has worked with the City of Jacksonville as our Inmate Driver. He's also returned to college and received his Bachelor of Arts in Christian Studies and Philosophy. He is an ordained minister at New Vision Missionary Baptist Church in Jacksonville.



# City Council Presentation

Presentation Item: <b>B</b> Date: 8/3/2011
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**Subject:** Yard and Business of the Month Beautification Awards

**Department:** Recreation and Parks

**Prepared by:** Michael Liquori, Recreation and Parks

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## Presentation Description

Frances Thompson residing at 359 Royal Bluff Road and Charles Williamson of Moore Buick GMC 2445 North Marine Boulevard have been recommended to receive a Yard of the Month award from the Beautification and Appearance Commission for outstanding personal property appearance.

Councilman Bob Warden is the Council appointed Liaison to the Beautification and Appearance Commission.

Frances Thompson will be present to accept the award.

Charles Williamson will be present to accept the award.

## Action

Present Residential Yard of the Month Awards to Frances Thompson.

Present Business Yard of the Month to Charles Williamson of Moore Buick GMC.

## Attachments:

None



# City Council Presentation

Presentation Item: <b>C</b> Date: 8/3/2011
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**Subject:** Presentation to City Council From Juneteenth Celebration Committee

**Department:** Juneteenth Celebration Committee

**Prepared by:** Lillie R. Gray

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## Presentation Description

The Juneteenth Celebration Committee would like to thank the City Council and City staff for their support of the Juneteenth Celebration held June 17-18, 2011. A plaque will be presented.

## Action

Accept Presentation

## Attachments:



## Presentation Information

Presentation Item: <b>C</b>
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The Juneteenth Celebration Committee wishes to thank the City Council and City staff for their support of the Juneteenth Banquet and Festival held June 17 – 18, 2011. The banquet was well attended and the honorees were appreciative of the recognition they received. The festival was a huge success with over 1500 citizens participating. Attendees had an opportunity to sample food, meet and mingle with fellow Americans from different countries, listen to live entertainment, learn more about the services in our community, and purchase handicrafts from vendors.

We wish to offer a special thanks to Mayor Sammy Phillips, Councilwoman Coleman and Councilmen Willingham and Warden for attending the Juneteenth events and celebrating with us.

Thanks again for your support of Juneteenth not only this year but over the years past and we look forward to many more years of sharing and celebrating the history of Juneteenth with the citizens of Jacksonville and Onslow County.



# Request for City Council Action

Agenda Item:	<b>1</b>
Date:	8/3/2011

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**Subject:** Public Hearing (*Legislative*) - Zoning Text Amendment – Section 31 Residential 7 Zoning District

**Department:** Development Services

**Presented by:** Mary Sertell, Senior Planner

**Presentation:** Yes

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## Issue Statement

John Pierce, on behalf of John & Phyllis Standfast, has submitted a Zoning Text Amendment application requesting changes to the Residential 7 (R-7) zoning district. The request will amend the R-7 development standards to be in line with the current development standards within the Residential Single Family 7 (RS-7) zoning district.

## Financial Impact

None

## Action Needed

Conduct a Public Hearing

Consideration of the Zoning Text Amendment

## Recommendation

Staff and Planning Board recommend Council approve the Zoning Text Amendment.

Approved: ☒ City Manager ☐ City Attorney

## Attachments:

- A Proposed Zoning Text Amendment Ordinance
- B DRAFT Planning Board Minutes – July 11, 2011



# Staff Report

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## Zoning Text Amendment – Section 31 Residential 7 Zoning District

### **Introduction**

John Pierce, on behalf of John & Phyllis Standfast, has submitted a Zoning Text Amendment application requesting changes to the Residential 7 (R-7) zoning district. The request will amend the R-7 development standards to be in line with the current development standards within the Residential Single Family 7 (RS-7) Zoning district.

This proposed change will make the R-7 and RS-7 zoning districts functionally the same. The text amendment will bring forward a proposal of the Unified Development Ordinance in which there will be one 7,000 sq. ft. residential zoning district.

### **Procedural History**

- On May 16, 2011 the applicant submitted a rezoning request, after staff discussions the applicant amended the application for the proposed text amendment.
- July 11, 2011 the Planning Board recommended approval of the proposed Zoning Text Amendment.
- August 3, 2011, City Council will conduct a Public Hearing and consider this request.

### **Stakeholders**

- Design professionals – Surveyors, Land Planners, Architects and Landscape Architects use this section of the Zoning Ordinance when drafting development plans.
- Homeowners – Homeowners will have more flexibility to use their land with limited setbacks that still prevent encroachment on neighbors. Further, amending the setbacks of the R-7 district will limit confusion between the R-7 and RS-7 zoning districts.

### **Public Hearing Notification Assessment**

“Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.” Notifications in accordance with North Carolina General Statutes have been followed.

## **Options:**

### 1) Approve the Zoning Text Amendment found in Attachment A. **(Staff Recommended)**

- Pros: The amendment will reduce the differences between the R-7 and RS-7 zoning districts, which have similar purposes and intents. Also, the amendment will create greater flexibility for home owners and developers of residential property by increasing buildable area while retaining the traditional character of a neighborhood. Further, the draft of the Unified Development Ordinance (UDO) combines both districts into a single one and this amendment will bring that forward prior to a mass rezoning.
- Cons: None

### 2) Deny the Zoning Text Amendment

- Pros: None
- Cons: Discrepancies between two zoning districts, which are designed to address similar development, will continue. Different setbacks and other standards will continue to be contradictory in two districts that have similar development patterns.

### 3) Defer action on the Zoning Text Amendment.

- Pros: Would allow staff time to acquire additional background information as requested by the Council.
- Cons: None

## ORDINANCE (# 2011- )

### AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE ZONING ORDINANCE

**BE IT ORDAINED** by the Jacksonville City Council that Section 31. Residential 7 will be amended as follows: ~~Strikethrough~~ indicates the proposed deletion of text, while underlining indicates a proposed addition to the text.

#### Section 31. Residential 7 (R-7) Zone

The R-7 Zone is primarily intended for residential use. The intention of this zone is to prohibit any business other than home occupation. Schools, churches and institutions of like nature are a permitted use because it is felt that they would not be detrimental to the residential atmosphere.

##### A. ~~Area requirements.~~

1. ~~**Building site area required, residences.**~~ The minimum building site area shall be ~~1 lot or parcel of land 7,000 square feet in area. Such parcel of land shall have an average width of at least 70 feet.~~

~~When a lot or parcel of land has an area of less than the above required minimum area and width and was of record April 8, 1952, such lot may be occupied by 1 family, provided, however, that the minimum setback requirements set out in this section are observed.~~

2. ~~**Right of way setback.**~~ No primary or accessory structure shall be placed within 35 feet of any right of way of any public or private street.

##### 3. ~~**Setbacks, Side and Rear**~~

- a. ~~**Interior Lots.**~~ Each side of the primary structure of an interior lot shall have a side yard not less than 10 feet wide. No primary structure shall be built within 15 feet of the rear property line. No accessory building shall be built or placed within 5 feet of the rear or side property line. *Amended 11/18/03*

- b. ~~**Corner Lots.**~~ The designed front of the primary structure of a corner lot shall comply with right of way setback standards of this chapter. The designated side adjacent to a road right of way shall be set back no less than 15 feet from the property line. All other sides shall be set back no less than 10 feet from the property line. The designated rear setbacks shall be no less than

Attachment

**A**

~~15 feet from the property line. No accessory building may be placed or built within 5 feet of rear or side of the property lines.~~

~~(Amended 1/7/97)~~

Zone	Designated Front Setback	Designated Side (R\W) Setback	Side Setback	Rear Setback
R-7	35'-0"	15'-0"	10'-0"	15'-0"

- c. ~~**Double Frontage Lots.** Each side of the primary structure of a double frontage lot that fronts either an approved public or private street shall comply with right of way setback standards of this chapter. All other side yards shall be set back no less than 10 feet from the property line.~~

~~Accessory buildings may be built or placed within 5 feet of the side property lines.~~  
~~(Amended 1/7/97)~~

Zone	Designated Front Setback	Designated Side (R\W) Setback	Side Setback	Rear Setback
R-7	15'-0"	15'-0"	10'-0"	20'-0"

#### **A. Minimum Lot Size**

All lots in the R-7 zone shall be a minimum of 7,000 square feet.

#### **B. Residential Density**

1. All lots in the R-7 Zone shall be limited to one single family dwelling unit per lot.
2. All lots shall not exceed a lot coverage requirement of 50 percent.

#### **C. Minimum Lot Width**

All lots in the R-7 Zone shall have a minimum lot width of 50 feet at the minimum building line.

#### **D. Building Setback Requirements**

Subject to the provisions of the section on Residential Zones - General Provisions and this section, no portion of any building shall be located on any lot closer to any lot line than is authorized in the tables set forth in this section.

##### **Interior Lots:**

<u>Zone</u>	<u>Front Setback</u>	<u>Rear Setback</u>	<u>Side Setback</u>	<u>Lot Coverage</u>
<u>R-7</u>	<u>25 ft</u>	<u>15 ft</u>	<u>7 ft</u>	<u>50 %</u>

##### **Corner Lots:**

<u>Zone</u>	<u>Designated Front (Right of Way) Setback</u>	<u>Designated Side (Right of Way) Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Lot Coverag e</u>
<u>R-7</u>	<u>25 ft</u>	<u>15 ft</u>	<u>7 ft</u>	<u>7 ft</u>	<u>50%</u>

##### **Double Frontage Lots:**

<u>Zone</u>	<u>Designated Front (Right of Way) Setback</u>	<u>Designated Rear (Right of Way) Setback</u>	<u>Side Setback</u>	<u>Lot Coverage</u>
<u>R-7</u>	<u>25 ft</u>	<u>15 ft</u>	<u>7 ft</u>	<u>50%</u>

#### **E. Accessory Building Setback Requirements**

All accessory buildings must comply with the lot setback requirements set forth in subsection D of this section with the exception of the side and rear setbacks which shall be a minimum of 5 feet.

#### **F. Building Height Limitations**

- : 1. Building height in the R-7 zone shall be limited to 35 feet.  
2. Features exempt from the height limitations can be found in Section 16.

#### **G. Permitted Uses:**

Churches*	(Amended 1/4/11)
Community Docking Facility (Minor)	(Amended 6/5/07)
Day care centers, nurseries*	(Amended 1/4/11)
Dwellings, single	
Family Care Homes	(Amended 7/17/07)
Family Childcare Home	(Amended 3/16/04)

Golf courses	
Governmental uses and operations such as fire stations, maintenance or operation facilities and similar governmental facilities	<i>(Amended 4/20/10)</i>
Home occupations	<i>(Amended 3/16/04)</i>
Library, public	
Parks, playgrounds, public & private	
Schools, public <u>and private</u> *	<i>(Amended 1/4/11)</i>
Temporary Real Estate/ Construction Offices	<i>(Amended 8/3/11)</i>
<hr/>	
Telecommunications Antenna, Collocation on Existing Tower	<i>(Amended 10/6/09)</i>
Telecommunications Antenna, Placement on Existing Building	<i>(Amended 10/6/09)</i>
Telecommunications Tower, Stealth	<i>(Amended 10/6/09)</i>
Utility, Minor	<i>(Amended 4/20/10)</i>

## H. Special Uses

Clubs, lodges, other civic organizations, operation on a non-profit basis	
Community Docking Facility (Major)	<i>(Amended 6/5/07)</i>
<del>Schools, private, with same curriculum as public schools</del>	
Telecommunications Tower, Freestanding	<i>(Amended 10/6/09)</i>
Temporary convalescent housing	
<del>Temporary real estate/construction offices</del>	
Temporary refreshment stands	

\* Will require special use permit if located in the Flight Path Overlay District. Special use for day care center and nurseries is only required if more than 30 children, assembly halls and coliseums if more than 150 seats, hotels and motels if more than 3 stories, retail establishments or department and variety stores if more than 500,000 square feet.

*(Amended 1/4/11)*

**BE IT FURTHER ORDAINED** by the City Council of the City of Jacksonville that the Zoning Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effective upon its adoption.

Adopted by the Jacksonville City Council in regular session on this 3<sup>rd</sup> day of August, 2011.

\_\_\_\_\_  
Sammy Phillips, Mayor

ATTEST:

\_\_\_\_\_  
Carmen K. Miracle, City Clerk



## Draft Planning Board Minutes – July 11, 2011

Agenda  
Item: **1**

### Zoning Text Amendment – Section 31 Residential 7 Zoning District

John Pierce, on behalf of John & Phyllis Standfast, has submitted a Zoning Text Amendment application requesting changes to the Residential 7 (R-7) zoning district. The request will amend the R-7 development standards to be in line with the current development standards within the Residential Single Family 7 (RS-7) Zoning district.

This proposed change will make the R-7 and RS-7 zoning districts functionally the same. The text amendment will bring forward a proposal of the Unified Development Ordinance in which there will be one 7,000 sq. ft. residential zoning district.

Staff recommends the Planning Board move to approve the zoning text amendment found in Attachment A.

Mr. Quinn asked about the reduction of the front and side setbacks, and if that the norm for other communities. Ms. Sertell replied that typically you have smaller setbacks in smaller residential lots.

Mr. Goodson replied: "There is a trend in other cities, those lots are smaller. Once you move into the city where you need more density this is the trend to have smaller lots and have the left over open space for recreation." Mr. King stated it was always the intent to convert R-7 to RS-7 but that staff never went through the major rezoning. Since that time staff had a citizen request to reduce the then rear setbacks to 15 ft., which was adopted by the Planning Board and City Council. Now that staff has been through the UDO process and the recommendation from the UDO consultant and the UDO Steering Committee is to blend those two zoning districts together. Staff is advocating the text change in advance of the UDO minus the rezoning because staff intends to do a mass rezoning after the UDO is done.

Ms. Moore asked if this change would apply to every residential area in Jacksonville. Mr. King replied the RS-7 and the R-7 will have basically two different distinct zoning districts but the regulations within each one will be identical. Ms. Moore asked if Jacksonville would have smaller setbacks in all of the areas. Ms. Sertell replied just the R-7 districts will have the smaller setbacks. Ms. Moore stated she does not understand.

Attachment

**B**

Mr. Goodson replied that the text amendment will not apply to all zoning districts; it will only apply to the R-7 and the RS-7 districts. Ms.

Moore asked: "So the R-7 would be the same as RS-7?" Mr. Goodson replied that she was correct.

**Chuck Quinn moved to approve the zoning text amendment found in Attachment A. Homer Spring seconded the motion.**

**The motion to approve the zoning text amendment found in Attachment A was unanimously approved by the Board Members present.**



# Request for City Council Action

Agenda Item:	<b>2</b>
Date:	8/3/2011

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**Subject:** Public Hearing (*Legislative*) - Zoning Text Amendment – Section 43 Residential Downtown 5; Section 49 Residential Downtown 3; Section 66 Central Business District; Section 68 Office and Mixed Use; and Section 109 Sign Regulations

**Department:** Development Services

**Presented by:** Mary Sertell, Senior Planner

**Presentation:** Yes

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## Issue Statement

Staff has drafted a Zoning Text Amendment that will amend the current Downtown zoning districts: RD-3, RD-5, CBD, OMU, and Section 109 Sign Regulations. This amendment will create greater clarity when applying for and reviewing projects in Downtown.

The language in the text amendment is based on the 2<sup>nd</sup> module of the proposed Unified Development Ordinance (UDO) which has been reviewed and accepted by the UDO Steering Committee as well as by other developers and contractors who work in Downtown.

## Financial Impact

None

## Action Needed

Conduct a Public Hearing

Consideration of the Zoning Text Amendment

## Recommendation

Staff and Planning Board recommend Council approve the Zoning Text Amendment.

Approved: ☒ City Manager ☐ City Attorney

## Attachments:

- A Proposed Zoning Text Amendment Ordinance - Provided as separate booklet
- B DRAFT Planning Board Minutes – July 11, 2011



# Staff Report

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Zoning Text Amendment – Sections 43 Residential Downtown 5 (RD-5), Section 49 Residential Downtown 3 (RD-3), Section 66 Central Business District (CBD), Section 68 Office Mixed Use (OMU), and Section 109 Sign Regulations

## **Introduction**

Staff has drafted a Zoning Text amendment that will update the current guidelines for development in the Downtown zoning districts: RD-3, RD-5, CBD, OMU, and Section 109 Sign Regulations. The existing guidelines, which were part of a downtown plan developed in 1998, are challenging to administer with little clarity and are largely subjective. Further, the older guidelines were incorporated by reference in the Zoning Ordinance with obtuse language regarding their application and enforcement. The updated guidelines provide objective criteria for new development and the design standards will be fully incorporated into the text of the Zoning Ordinance.

The language in the text amendment is based on the 2<sup>nd</sup> module of the proposed Unified Development Ordinance (UDO) which has been reviewed and accepted by the UDO Steering Committee as well as by other developers and contractors who work in Downtown.

## **Procedural History**

- 1998, City Council adopted the Jacksonville Downtown Revitalization Plan and its associated Design Guidelines for Downtown Jacksonville, NC
- 2007, City Council adopted the Jacksonville Downtown Master Plan
- July 11, 2011, Planning Board recommended approval of the proposed text amendments
- On July 19, 2011, Staff presented the updated design standards to City Council at a Workshop
- August 3, 2011, City Council will conduct a Public Hearing and consider the Zoning Text Amendments

## **Stakeholders**

- Design professionals
- Developers
- Citizens
- Property owners in the Downtown districts

The Residential districts (RD-3, RD-5) and Commercial districts (CBD, OMU) are intended to encourage the urban form and architectural character found in the traditional downtown as well as promote redevelopment that will make the downtown area a more diverse and vibrant mixed-use, urban center. More specifically, the districts are proposed to:

- (a) Implement the Downtown Master Plan;
- (b) Encourage economic development activities that increase the tax base and provide desirable places to live, work, shop, and recreate in the downtown;
- (c) Promote redevelopment of buildings and land in the downtown;
- (d) Encourage mixed-use, pedestrian-friendly development to reduce the need for the automobile and foster greater use of alternative modes of transportation;
- (e) Encourage a strong pedestrian-orientation by locating buildings close to sidewalks;
- (f) Place more emphasis on the design and appearance of development, and less emphasis on the types of uses within the development;
- (g) Provide civic buildings that are distinctive and located in visually-prominent locations; and
- (h) Protect established residential uses and encourage new residential developments in the downtown.

### **Public Hearing Notification Assessment**

"Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing." Notifications in accordance with North Carolina General Statutes will be followed. Further, letters were sent to every property owner in the RD-3, RD-5, CBD, and OMU zoning districts as a courtesy.

### **Options:**

#### 1) Approve the Zoning Text Amendment found in Attachment A. **(Staff Recommended)**

- Pros: Will create objective criteria for new development downtown that supports and implements the adopted Downtown Master Plan. Approval will also promote pedestrian-oriented, mixed use development in Downtown and promote redevelopment of land and buildings in Downtown.
- Cons: Development standards will be different than what is currently used and may have a learning curve for use among design professionals

2) Deny the Zoning Text Amendment

- Pros: Existing design guidelines for Downtown will remain in place.
- Cons: Not approving the amendment will prevent implementation of part of the Downtown Master Plan and continue the use of development guidelines that are outdated and difficult to administer.

3) Defer action on the Zoning Text amendment.

- Pros: Would allow staff time to acquire additional background information as requested by the Council.
- Cons: None



## Draft Planning Board Minutes – July 11, 2011

Agenda  
Item: **2**

Zoning Text Amendment – Updates to Sections 43 Residential Downtown 5 (RD-5), 49 Residential Downtown 3 (RD-3), 66 Central Business District (CBD), 68 Office Mixed Use (OMU), and Section 109 Sign Regulations

Staff has drafted a zoning text amendment that will update the current guidelines for development in the Downtown zoning districts: RD-3, RD-5, CBD, OMU, and Section 109 Sign Regulations. The existing guidelines, which were part of a downtown plan from 1998 are challenging to administer with little clarity and are largely subjective. Further, the older guidelines were incorporated by reference in the Zoning Ordinance with obtuse language regarding their application and enforcement. The updated guidelines provide objective criteria for new development and the design standards will be fully incorporated into the text of the Zoning Ordinance.

The language in the text amendment is based on the 2nd module of the proposed Unified Development Ordinance (UDO) which has been reviewed and accepted by the UDO Steering Committee as well as by other developers and contractors who work in Downtown.

Staff recommends the Planning Board move to approve the zoning text amendment found in Attachment A.

Mr. King stated that after meeting with UDO Steering Committee, staff also invited several contractors that are building in Downtown to discuss these changes. Staff provided the opportunity to make sure the changes were something that was understandable and usable versus something that is complicated about later on because it just doesn't work right.

Mr. Quinn stated to Ms. Sertell that this was one of the most interesting presentations. Mr. Quinn mentioned to Vice-Chairperson Wyrick there may be citizens in the audience that may want to speak. Vice-Chairperson Wyrick asked that if anyone would like to speak please feel welcome and asked Mr. King to re-read the public speaking guidelines. Mr. King asked if anyone wanted to speak about the downtown codes that are changing.

Mr. Hugh Rubirosa, who lives at 32 Manner Lane in Swansboro, talked about his brother trying to open a business. For the past year his brother has been paying mortgage on a building that he is not able to open as a super market. The location is 624 New Bridge Street. Mr. Rubirosa stated the business would bring more culture to Jacksonville and Hispanic foods. Mr. Rubirosa also stated that it will bring a lot of revenue into Jacksonville.

Attachment

**B**

Mr. Quinn stated he remembered the property and further recalled that it had been before the board and some of the issues may be building inspections related, which is a different group that monitors and regulates construction. Mr. Quinn stated that he wasn't sure that it is this board's approval that Mr. Rubirosa might be waiting on. Mr. Quinn suggested that Mr. Rubirosa get appointments with some of the department heads in those departments.

Mr. Goodson replied there were some building codes issues that have been ongoing with the property. Mr. Goodson stated that staff has met with the owner on site. There were some issues with the sprinkler system. The building was going to have sprinklers downstairs but the building also needed sprinklers upstairs for residential uses. The sprinkler requirement is not a planning issue, or a design standard issue or use of the building issue; it is a building code issue. Mr. Goodson stated that staff would be glad to meet with Mr. Rubirosa's brother again to go over some of the things that need to be done.

Mr. Goodson continued that this is one of the things staff doesn't like to see. He stated that downtown Jacksonville has a lot old buildings and that when people start bringing in new uses and start trying to bring the buildings up to code it takes money to do that. This is something that is unfortunate, staff doesn't like to see it but staff has to make sure that if these buildings will have the public going into them they have to be safe.

Mr. Quinn replied to Mr. Rubirosa to extend our best wishes to his brother and his family in regards to getting this business up and running.

Mr. Donald Sanders resides at 204 S. Winchester Lane, Hubert, NC who owns a house on 301 Court Street. Mr. Sanders wants to know what the future is for the downtown area. Mr. Sanders stated his house has been for sale for two years and he has dropped the price several times and has not gotten an offer.

Mr. Quinn stated to Mr. Sanders that a copy of the design standards are available on line and if he took a look at some of the things included in this he may find it helpful. Mr. Sanders asked would the city make an offer to buy his house on Court Street.

Mr. King stated that staff mailed letters to every property owner in downtown, despite not being required to do so, to notify them of the proposed changes to the zoning text. Mr. King stated that the agenda item is not a rezoning of anyone's property, it is actually changing the law that governs the property. Staff is informing everyone that owns property downtown so that the property owners could come by and ask questions or get a copy of the code to see what changes may be there. Mr. King reiterated that staff is not rezoning anyone's property. The language that says what the minimum lot size is and what the minimum lot width and the types of things that can go in that zoning; that is what is changing not the zoning of the property.

Mr. Goodson asked Mr. Sanders where his property is located and if it was near Court St. and Popular St. Mr. Goodson stated that the City may be interested in property in that area. Mr. Goodson stated he would discuss it further with him.

**Chuck Quinn moved to approve the consideration of the Zoning Text Amendment. Alfred Keyes seconded the motion.**

**The motion to approve the consideration of the Zoning Text Amendment was unanimously approved by the Board Members present.**



## Request for City Council Action

Agenda Item:	<b>3</b>
Date:	8/3/2011

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**Subject:** Public Hearing (*Legislative*) – Creation of Section 87 Planned Development (PD) Districts, Amendments to Section 10 Definitions, Section 13 Zones & Boundaries and Section 136 Changes & Amendments

**Department:** Development Services

**Presented by:** Ryan King, Planning Administrator

**Presentation:** Yes

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### Issue Statement

Staff has drafted a Zoning text Amendment that will create provisions for Planned Developments (PD). This amendment will bring the ability to mix uses and apply greater flexibility to the development process in anticipation of a development quality that exceeds the minimum standards.

Staff has utilized the 2<sup>nd</sup> module of the proposed Unified Development Ordinance (UDO) which has been reviewed and accepted by the UDO Steering Committee.

### Financial Impact

None

### Action Needed

Conduct Public Hearing

Consideration of the Zoning Text Amendment

### Recommendation

Staff and the Planning Board recommend Council approve the Zoning Text Amendment.

Approved: ☒ City Manager ☐ City Attorney

### Attachments:

- A Proposed Zoning Text Amendment Ordinance
- B July 13, 2011 Draft Planning Board Minutes



# Staff Report

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Public Hearing (*Legislative*) – Creation of Section 87 Planned Development (PD) Districts, Amendments to Section 10 Definitions, Section 13 Zones & Boundaries and Section 136 Changes & Amendments

## **Introduction**

Staff has drafted a Zoning Text Amendment that will create provisions for Planned Developments (PD). This will bring a new section to the zoning ordinance that would have allowed developments such as Carolina Forest, Williamsburg Plantation and The Villages at Cypress Creek to be approved in one approval instead of the series of approvals that were required. In addition, staff believes this will allow a developer the ability to mix uses and apply greater flexibility to the development process in anticipation of a development quality that exceeds the minimum standards.

Staff has utilized the 2<sup>nd</sup> module of the proposed Unified Development Ordinance (UDO) which has been reviewed and accepted by the UDO Steering Committee.

## **Procedural History**

- June 13, 2011 the Planning Board recommended approval of the proposed Zoning Text Amendment.
- August 3, 2011 City Council will conduct a Public Hearing and consider this request.

## **Stakeholders**

- Design professionals
- Developers
- Citizens

The Planned Development (PD) districts are intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;

3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, streams, hillsides, floodplains, and historic features.

### **Public Hearing Notification Assessment**

"Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing." Notifications in accordance with North Carolina General Statutes were followed.

### **Options:**

- 1) Approve the Zoning Text Amendment found in Attachment A. **(Staff Recommended)**
  - Pros: Will provide a developer with the ability to mix uses and apply greater flexibility to the development process in anticipation of a development quality that exceeds the minimum standards.
  - Cons: None
- 2) Defer action on the Zoning Text Amendment.
  - Pros: Will allow staff time to acquire additional background information as requested by City Council.
  - Cons: None
- 3) Deny the Zoning Text amendment
  - Pros: None
  - Cons: An opportunity to allow a developer the ability to mix uses and apply greater flexibility to the development process and provide a development quality that exceeds the minimum standards would be lost.

## ORDINANCE (# 2011- )

### AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE ZONING ORDINANCE

**BE IT ORDAINED** by the Jacksonville City Council that Sections 10 Definitions, 13 Zones and Boundaries and Section 136 Changes and Amendments of the City of Jacksonville Zoning Ordinance be amended and that Section 87 Planned Development be created as follows: ~~Strikethrough~~ indicates the proposed deletion of text while underlining indicates a proposed addition to the text.

#### Section 10. Definitions

Planned Development (PD) - A tract of land that is planned and developed as an integral unit in accordance with a PD master plan, statement of terms and conditions, and flexible development standards that illustrate and address land uses, circulation, utilities, parking, setbacks, housing densities, land coverage, landscaping and buffers, open space, and similar features of the project.

#### Section 13. Zones and Boundaries

- A. In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to regulate and limit the location and number of driveway accesses; to regulate and determine the areas of open space surrounding buildings; to classify, regulate, and restrict the location of trades and industries; and to regulate the location of buildings designed for specified industrial, business, residential, and other uses, the City is hereby divided into zones of which there shall be ~~thirty-nine (39)~~ forty (40) in number as listed below:

#### 40. Planned Development Districts

#### Section 87. Planned Development Districts *(Adopted 8/3/2011)*

##### A. General

##### 1. Establishment of Planning Development Zoning Districts

Table 87.1, *Planned Development Zoning Districts Established*, sets out the planned development zoning districts established by this ordinance.

<b>TABLE 87.1: PLANNED DEVELOPMENT ZONING DISTRICTS ESTABLISHED</b>	
<u>DISTRICT ABBREVIATION</u>	<u>DISTRICT NAME</u>
PD-R	Planned Development-Residential
PD-C	Planned Development-Commercial
PD-T	Planned Development-Traditional Neighborhood

Attachment

**A**

## **2. General Planned Development District Purposes**

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other city goals and objectives by:

- (a) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- (b) Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- (c) Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- (d) Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- (e) Promoting quality design and environmentally sensitive development that respects surrounding, established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, streams, hillsides, floodplains, and historic features.

## **3. Classification of Planned Development Zoning Districts**

Land shall be classified into a planned development zoning district only in accordance with the procedures and standards set forth in Section 136, Changes and Amendments to Ordinance, and this section.

## **B. General Standards for All Planned Development Districts**

Before approving a PD zoning district classification, the City Council shall find that the application for the PD zoning district classification, as well as the PD Master Plan and the PD Terms and Conditions included as part of the application, comply with the following standards:

### **1. Planned Development (PD) Master Plan**

The PD Master Plan shall:

- (a) Include a statement of planning objectives for the district;
- (b) Identify the general location of individual development areas, identified by land use(s) or development density or intensity;
- (c) Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (d) Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;

- (e) Identify the location of environmentally-sensitive lands, wildlife habitat, stream corridors, or other features to be protected as part of the Area of Environmental Concern Standards in accordance with the Coastal Management Act;
- (f) Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and pedestrian and bicycle pathways, and how they will connect with existing and planned city systems;
- (g) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to city systems;
- (h) Identify the general location of on-site stormwater management facilities, and how they will connect to existing or planned city systems; and
- (i) Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, and solid waste management.

## **2. Consistency with City Plans**

The PD zoning district designation, the PD Master Plan, and the PD Terms and Conditions shall be consistent with plans and/or policies adopted by the City.

## **3. Compatibility with Surrounding Areas**

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the PD Master Plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, and sighting of service areas.

## **4. Development Phasing Plan**

If development in the PD district is proposed to be phased, the PD Master Plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the city's capital improvements program.

## **5. Conversion Schedule**

The PD Master Plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use and one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the approved development phasing plan, and are

consistent with established extents of conversion set down in the conversion schedule.

## **6. On-Site Public Facilities**

### **(a) Design and Construction**

The PD Master Plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable city, state, and federal regulations.

### **(b) Dedication**

The PD Master Plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable city, state, and federal regulations.

### **(c) Modifications to Street Standards**

In approving a PD Master Plan, the City Council may approve modifications or reductions of city street design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:

- (1) The PD Master Plan provides for separation of vehicular, pedestrian, and bicycle traffic;
- (2) Access for emergency service vehicles is not substantially impaired;
- (3) Adequate off-street parking is provided for the uses proposed; and
- (4) Adequate space for public utilities is provided within the street right-of-way.

## **7. Planned Development Terms and Conditions**

The PD Terms and Conditions shall incorporate by reference or include, but not be limited to:

- (a) Conditions related to approval of the application for the PD zoning district classification;
- (b) The PD Master Plan, including any density/intensity standards, dimensional standards, and development standards established in the PD Master Plan;
- (c) Conditions related to the approval of the PD Master Plan, including any conditions related to the form and design of development shown in the PD Master Plan;
- (d) Provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
- (e) Provisions related to environmental protection and monitoring; and

- (f) Any other provisions the City Council determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

## **8. Uses**

The allowable uses in a PD district shall be approved in conjunction with the PD Master Plan approval. Allowed uses shall be established in the master plan and are subject to any use regulations applicable to the PD district. Allowed uses shall be consistent with any adopted plan or ordinance, the purpose of the particular type of PD district, and subject to any additional limitations or requirements set forth the PD district standards.

## **9. Densities/Intensities**

The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the PD Master Plan, and shall be consistent with city plans and the purpose of the particular type of PD district.

## **10. Dimensional Standards**

The dimensional standards applicable in each development area of a PD district shall be as established in the PD Master Plan, and shall be consistent with the purpose of the particular type of PD district. The PD Master Plan shall include at least the following types of dimensional standards:

- (a) Minimum lot area;
- (b) Minimum lot width;
- (c) Minimum and maximum setbacks;
- (d) Maximum lot coverage;
- (e) Maximum building height;
- (f) Maximum individual building size;
- (g) Floor area ratio; and
- (h) Minimum setbacks from adjoining residential development or residential zoning districts.

## **11. Development Standards**

All development in a PD district shall comply with the development standards established within the Zoning Ordinance (ex: parking, buffering, landscaping, signage, etc...), or any modifications of those standards established in the PD Master Plan as consistent with any adopted plan or ordinance, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in this section for the particular type of PD district.

## **12. Amendments to Approved Master Plan**

Amendments or modifications to a PD Master Plan shall be considered in accordance with the standards in Section 136 Changes and Amendments.

## **Planned Development-Residential (PD-R) District**

<div>PD-R</div> <div>PLANNED DEVELOPMENT-RESIDENTIAL</div>		<div>PURPOSE</div> <div>The PD-R district is established and intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space. Limited, small-scale commercial uses are required in PD-R districts larger than 35 acres. Small-scale commercial uses are allowed, but not required within PD-R districts of 15 acres or more.</div>																		
<div>DIMENSIONAL STANDARDS</div>		<div>DISTRICT STANDARDS</div>																		
<div>District Size</div> <table><tr><td>District Area, min. (acres)</td><td>10; 15 if commercial is included [1]</td></tr><tr><td>District Area Size Threshold before Commercial Uses Are Required, max. (acres)</td><td>35</td></tr></table>		District Area, min. (acres)	10; 15 if commercial is included [1]	District Area Size Threshold before Commercial Uses Are Required, max. (acres)	35	<div>All development in PD-R districts are subject to the development standards found within the Zoning Ordinance (parking, landscaping, buffering, etc...), but some of those standards may be modified as part of the PD Master Plan if consistent with the general purposes of the PD-R district and the procedures noted below.</div>														
District Area, min. (acres)	10; 15 if commercial is included [1]																			
District Area Size Threshold before Commercial Uses Are Required, max. (acres)	35																			
<div>Lot Standards</div> <table><tr><td>Gross Residential Density, max. (dwelling units/acre) [2]</td><td rowspan="4">To be established in PD Master Plan</td></tr><tr><td>Nonresidential Floor Area Ratio, max. (FAR) (if applicable)</td></tr><tr><td>Lot Area, min. (sq ft)</td></tr><tr><td>Lot Width, min. (sq ft)</td></tr></table>		Gross Residential Density, max. (dwelling units/acre) [2]	To be established in PD Master Plan	Nonresidential Floor Area Ratio, max. (FAR) (if applicable)	Lot Area, min. (sq ft)	Lot Width, min. (sq ft)	<div>Development Standard</div> <table><tr><td>Off-Street Parking &amp; Loading</td><td rowspan="3">Specify in Master Plan</td></tr><tr><td>Landscaping [3]</td></tr><tr><td>Tree Protection</td></tr><tr><td>Fences and Walls</td><td>Specify in PD Master Plan</td></tr></table>	Off-Street Parking & Loading	Specify in Master Plan	Landscaping [3]	Tree Protection	Fences and Walls	Specify in PD Master Plan	<div>Means of Modifying</div> <table><tr><td>Specify in Master Plan</td></tr><tr><td>Specify in PD Master Plan</td></tr></table>	Specify in Master Plan	Specify in PD Master Plan				
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Specify in PD Master Plan																				
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Multi-family Building Design																				
<div>NOTES:</div> <div>[1] May be waived by the City Council on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal when more conventional development would result in more difficult or undesirable development.</div> <div>[2] May not exceed 125 percent of the highest maximum gross density standard for the base zoning district in place prior to designation as a planned development. This limitation does not apply to areas within the downtown.</div>		<div>NOTES:</div> <div>[3] Internal uses shall not be required to provide perimeter buffers.</div>																		

## **Planned Development-Commercial (PD-C) District**

<div>PD-C</div> <div>PLANNED DEVELOPMENT-COMMERCIAL</div>		<div>PURPOSE</div> <div>The PD-C district is established and intended to encourage the development of a mix of employment generating uses (office, research, light industrial, limited commercial), and may allow high-density residential uses at appropriate locations in a planned and aesthetically pleasing way and intended primarily for those working within the district. This is done by allowing design flexibility as well as a mix of uses.</div>	
		<div>DISTRICT STANDARDS</div> <div>All development in PD-C districts are subject to the development standards found within the Zoning Ordinance (parking, landscaping, buffering, etc...), but some of those standards may be modified as part of the PD Master Plan if consistent with the general purposes of the PD-C district and the procedures noted below.</div>	
<div>DIMENSIONAL STANDARDS</div>			
<div>District Size</div>			
District Area, min. (acres)	20 [1]		
Floor Area Devoted to Residential Use, max. (% of total district floor area)	25		
Floor Area Devoted to Retail Sales & Services Uses, max. (% of total district floor area)	10		
<div>Lot Standards</div>		<div>Development Standard</div> <div>Means of Modifying</div>	
Gross Residential Density, max. (dwelling units/acre) [2]	To be established in PD Master Plan	Off-Street Parking & Loading	Specify in PD Master Plan
Nonresidential Floor Area Ratio, max. (FAR)		Landscaping [3]	Specify in PD Master Plan
Lot Area, min. (sq ft)		Tree Protection	
Lot Width, min. (sq ft)			
<div>Building Standards</div>		<div>Fences and Walls</div> <div>Specify in PD Master Plan</div>	
Lot Coverage, max. (% of lot area)	To be established in PD Master Plan	Exterior Lighting	Specify in PD Master Plan
Individual Building Size, max. (sq ft)			
Building Height, max. (ft)		Commercial Building Design	Specify in PD Master Plan
Setbacks, min. (ft)		Multi-family Building design	
Setback from abutting residential zoning district or existing residential use (ft)			Signage
<div>NOTES:</div> <div>[1] May be waived by the City Council on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal when more conventional development would result in more difficult or undesirable development.</div> <div>[2] May not exceed 125 percent of the highest maximum gross density standard for the base zoning district in place prior to designation as a planned development. This limitation does not apply to areas within the downtown.</div>		<div>NOTES:</div> <div>[3] Internal uses shall not be required to provide perimeter buffers.</div>	

## **Planned Development-Traditional Neighborhood (PD-T) District**

<div>PD-T</div> <div>PLANNED DEVELOPMENT-TRADITIONAL NEIGHBORHOOD</div>		<div>PURPOSE</div> <div>The PD-T district is established and intended to provide landowner/developers with a flexible framework within which to develop a mixed-use, traditional neighborhood development as an alternative to conventional residential development. PD-T districts should be of sufficient size and design to ensure pedestrian activity focused on a neighborhood center and sub-centers. PD-T district standards are designed to encourage the development of compact residentially-oriented, mixed-use, small-lot, pedestrian-oriented communities where residents can meet some of their employment, shopping, and recreation needs within the same development.</div>	
<div>DIMENSIONAL STANDARDS</div>		<div>DISTRICT STANDARDS</div>	
<div>District Size</div>		<div>All development in PD-T districts are subject to the development standards found within the Zoning Ordinance (parking, landscaping, buffering, etc...), but some of those standards may be modified as part of the PD Master Plan if consistent with the general purposes of the PD-T district and the procedures noted below.</div>	
<div>District Area, min. (acres)</div>	<div>10 [1]</div>		
<div>Floor Area Devoted to Nonresidential Use, max. (% of total district floor area)</div>	<div>15 [2]</div>		
<div>Dwelling Units of any Single Housing Type, max. (% of total district dwelling units)</div>	<div>60 [3]</div>		
<div>Lot Standards</div>		<div>Development Standard</div>	<div>Means of Modifying</div>
<div>Gross Residential Density, max. (dwelling units/acre)</div>	<div>To be established in PD Master Plan</div>	<div>Off-Street Parking &amp; Loading</div>	<div>Specify in PD Master Plan</div>
<div>Nonresidential Floor Area Ratio, max. (FAR)</div>		<div>Landscaping [4]</div>	<div>Specify in PD Master Plan</div>
<div>Lot Area, min. (sq ft)</div>		<div>Tree Protection</div>	
<div>Lot Width, min. (sq ft)</div>			
<div>Building Standards</div>		<div>Fences and Walls</div>	<div>Specify in PD Master Plan</div>
<div>Lot Coverage, max. (% of lot area)</div>	<div>To be established in PD Master Plan</div>	<div>Exterior Lighting</div>	<div>Specify in PD Master Plan</div>
<div>Individual Building Size, max. (sq ft)</div>			
<div>Building Height, max. (ft)</div>		<div>Commercial Building Design</div>	<div>Specify in PD Master Plan</div>
<div>Setbacks, min. (ft)</div>		<div>Multi-family Building Design</div>	
<div>Setback from abutting residential zoning district or existing residential use (ft)</div>		<div>Signage</div>	<div>Specify in PD Master Plan</div>
<div>NOTES:</div> <div>[1] May be waived by the City Council on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal.</div> <div>[2] Unless an existing center exists within ¾ mile of the development boundary</div>		<div>NOTES:</div> <div>[3] May be exceeded only on demonstration that a less diverse mix of housing types is appropriate.</div> <div>[4] Internal uses shall not be required to provide perimeter buffers.</div>	

### **1. Additional District-Specific Standards for the PD-T District**

#### **(a) Center and Subcenters**

A PD-T District shall be designed with a neighborhood center, and may also be served by one or more sub-centers. A neighborhood center or sub-center shall consist of formal open space (such as a square, commons, green, or active recreation area) that is adjacent to nonresidential or civic uses (such as a school, religious institution, or other government building), and served by one or more prominent street intersections. This requirement shall be exempted for all proposed developments when an existing center exists within ¾ of a mile from the development boundary.

(b) Walking Distance

At least 80 percent of all residential dwelling units in a PD-T should be within a five minute walk (approximately 1,250 feet) of the neighborhood center or a sub-center.

(c) Use Mixing

- (1) A PD-T District shall be structured to provide a mix of uses, like residential, retail, employment, civic, and recreational uses. The integration of residential and nonresidential uses allows residents to meet more of their daily needs within the development. In addition, provision of a variety of housing options is required to allow greater diversity of residents within the neighborhood.
- (2) Civic uses are encouraged, but not required, as part of the district's nonresidential uses.
- (3) Mixing of residential and nonresidential uses within a single project or structure is encouraged within integrated or vertical mixed-use projects, in which uses are located on different floors of a single structure.

(d) Open Space Set-Aside

- (1) Open space set-asides in a PD-T District should be designed in a hierarchy of formal and informal spaces and used to enhance community activity, identity, and civic pride. Formal open spaces consist of squares, greens, common areas, or other park-like settings where residents of the neighborhood may gather. Such areas are bounded by streets and/or buildings, and are typically located in or near the geographic center of the neighborhood. Informal open spaces are typically located throughout the development, and take the form of meandering walking paths, greenways, pocket parks, passive recreation areas, and areas set aside for vegetation retention.
- (2) Some portion of the open space provided within a PD-T shall be located to serve as a central open space or gathering area for the development.

(e) Building Configuration

(1) Public Buildings and Uses

Public buildings and uses, including government facilities, community service uses, and educational facilities, serve as focal points and landmarks for the community within a PD-T district and should be located on prominent sites, such as terminal vistas at the end of streets and on prominent street corners. The PD Master Plan shall designate the general location of publicly or privately owned civic lots for civic

buildings and uses, including public monuments or gateways into an ensuing space, as the terminus of street vistas for all major internal streets. In addition, public buildings and uses shall be located fronting on or adjacent to a square, plaza, or village green whenever possible.

(2) Location and Relationship between Buildings

In a PD-T district, buildings should be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a fairly consistent, narrow (less than 25 feet) setback alignment along the street frontage.

(3) Relationship Between Building Types

Buildings in a PD-T district should be built on a human scale and designed with a common, harmonious architectural vocabulary and landscaping to lend an intimate and personal feel to the streetscape. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

## **Section 136. Changes and Amendments to Ordinance.**

- A. **Intent.** The City Council may, on its own motion or upon petition after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are a part of this ordinance, subject to the rules prescribed herein and by the laws of the State of North Carolina. No regulation or map shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of public hearings will be given in accordance with North Carolina General Statutes. *(Amended 7/5/77, 9/20/83)*

B. **Conditional Use Districts.**

A request for rezoning to a conditional use district may be made only by application from the owner(s) of all the property included in the area proposed to be rezoned. An application for rezoning to a conditional use district may be accompanied by an application for a conditional use permit and may be reviewed concurrently with the conditional use permit application.

If the Council approves an application for rezoning to a conditional use district, but denies the accompanying application for a conditional use permit, or if an application for a conditional use permit is not considered by Council, the rezoning application shall be deemed to be conditionally approved, subject to submittal and Council approval of an application for a conditional use permit. *(Amended 10/8/91)*

C. Planned Development

## 1. Purpose

Planned developments are developments that are planned and developed under unified control and in accordance with more flexible standards and procedures that are more conducive to creating mixed-use, pedestrian-oriented and otherwise higher-quality development than could be achieved through general use (base) zoning district regulations. The purpose of this section is to provide a uniform means for amending the official zoning map to establish a Planned Development (PD) zoning district, specifically the Planned Development–Residential (PD-R), Planned Development–Commercial (PD-C), or Planned Development–Traditional Neighborhood (PD-T) zoning districts.

## 2. Scope

A planned development is established by amendment of the official zoning map to rezone land to a Planned Development (PD) zoning classification that is defined by a master plan and terms and conditions document. Subsequent development within the PD district occurs through the appropriate site plan review and subdivision review procedures (whichever is appropriate), which ensure compliance with the approved master plan and terms and conditions.

## 3. Initiation

To ensure unified control, an application for a Planned Development zoning classification may be initiated only by the owner(s) of all the property to be included in the proposed planned development district.

## 4. Procedure

### (a) Application to Include Master Plan and Terms and Conditions

In addition, the application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing. The application shall also include a document specifying terms and conditions defining development parameters, providing for environmental mitigation, and outlining how public facilities will be provided to serve the planned development. To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.

(b) Review and Recommendation by Planning Board

- (1) Following staff review, the Planning Board shall meet to consider the application, relevant support materials, the staff report, and any comments given by the public. The Planning Board, by a majority vote of a quorum present, shall adopt a written recommendation for one of the following actions:
  - i. Approval of the application subject to the PD master plan and PD terms and conditions included in the application;
  - ii. Approval of the application subject to additional conditions related to the PD master plan and PD terms and conditions; or
  - iii. Denial of the application.
- (2) In making its recommendation, the Planning Board shall include a written statement of consistency and reasonableness summarizing the amendment's consistency with all city-adopted plans that are applicable.
- (3) The Development Services Director shall submit the staff report and Planning Board's recommendation to the City Council.

(c) Public Hearing, Review, and Action by City Council

Following staff review and Planning Board review, the City Council shall hold a public hearing on the application in accordance with City policies/procedures and North Carolina General Statutes. After close of the hearing, the City Council shall consider the application, relevant support materials, the staff report, the Planning Board's recommendation, and any comments given by the public. The City Council, by a majority vote of a quorum present or any supermajority vote required, shall take one of the following actions:

- (1) Approval of the rezoning application subject to the PD master plan and PD terms and conditions included in the application;
- (2) Approval of the rezoning application subject to conditions related to the PD Master Plan and an the PD terms and conditions;
- (3) Denial of the rezoning application; or
- (4) Remand of the application back to the Planning Board for further consideration.

(d) Conditions of Approval

In approving a PD zoning classification, a PD master plan, and PD terms and conditions, the City Council may impose appropriate conditions on the approval.

(e) Expiration

(1) A Planned Development shall be considered expired, and the Development Services Director shall initiate an application to amend the official zoning map (rezoning) to rezone the undeveloped portion(s) of the subject land back to its prior zoning classification (or any other base zoning classification determined to be appropriate), if:

- i. No Building Permit for at least a portion of the lot or site subject to the PD master plan is approved within two years of the planned development approval;
- ii. A Building Permit for at least a portion of the site subject to a PD master plan is approved within two years of the planned development approval, but no work commences before the Building Permit expires; or
- iii. A Building Permit for a portion of a site subject to a PD master plan is approved within two years of the planned development approval and the development subject to the Building Permit is completed, but good and substantial progress on the undeveloped portion of the PD master plan ceases for a period of one year or more.

(2) Upon written request submitted at least 30 days before expiration, and upon a showing of good cause, the Development Services Director may grant one extension not to exceed six months.

5. Planned Development Standards

Review of and the decision on a Planned Development application shall be subject to the standards within this section and the standards for the proposed type of PD district in Section 87 Planned Development Districts.

6. Effect of Approval

Lands rezoned to a PD zoning district shall be subject to the approved PD master plan and the approved PD terms and conditions. The master plan and terms and conditions are binding on the land as an amendment to the official zoning map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the PD master plan in accordance with the appropriate procedures and standards set forth in this ordinance. Any permits or approvals shall comply with the PD master plan and the PD terms and conditions.

7. Minor Deviations from Master Plan and Terms and Conditions

(a) Subsequent plans and permits for development within an approved Planned Development may include minor deviations from the PD master plan or PD terms and conditions, provided the Development Services Director determines

that such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the planned development zoning classification process or any other change that has no material effect on the character of the approved Planned Development or any of its approved terms or conditions. Minor deviations include, but are not limited to:

- (1) Driveway locations;
- (2) Structure floor plan revisions; or
- (3) Facility design modifications for amenities and the like.

(b) Changes that the Development Services Director determines would materially affect the basic concept of the PD master plan or basic parameters set by the PD terms and conditions are not considered minor deviations, and shall only be changed as amendments to the PD master plan or PD terms and conditions (See Section 87 Planned Developments).

## 8. Amendments

### (a) General

If an applicant determines it is necessary to alter the concept or intent of the PD master plan or the PD terms and conditions, the PD master plan or PD terms and conditions shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

### (b) Amendments Defined

Amendments include, but are not limited to, the following alterations of the concept or intent of the PD master plan or PD terms and conditions:

- (1) Changes in use designations;
- (2) Density/intensity increases;
- (3) Decreases in open space set-asides;
- (4) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
- (5) Change in the location of any public easement;
- (6) Change in the proportion of housing types by more than 15 percent; or
- (7) Violation of any specific condition of the PD terms and conditions.

## 9. Designation on Official Zoning Map

Designation of a PD zoning district on the official zoning map shall note the ordinance number approving the PD zoning classification.

#### **D. Application Limitations.**

A rezoning or text amendment application, other than those initiated by Council or City Staff, which has been denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the following procedure:

1. An application shall be submitted for Planning Board review. The application will be treated as a new application with appropriate fees and plans submitted. (A dimensional increase or decrease of an area sought to be rezoned shall not constitute a substantially changed request.)
2. If the Planning Board determines that the application is substantially changed, the Board shall review the new application and make a recommendation to City Council. The application shall then be forwarded to City Council for their determination on whether the application is substantially changed.
  - a. If Council concurs with Planning Board, they shall then schedule a public hearing on the application.
  - b. If Council disagrees with Planning Board, the application shall be considered dead until the 12-month period is over.
3. If the Planning Board determines that the application is not substantially changed, the application shall be forwarded to City Council for their consideration.
  - a. If Council concurs with Planning Board's decision, the application shall be considered dead until the 12-month period is over.
  - b. If Council determines that the application is substantially changed, the application shall be returned to Planning Board for their recommendation on the application. A public hearing shall then be scheduled and the application shall be forwarded to City Council.

*(Amended 1/5/93)*

**BE IT FURTHER ORDAINED** by the City Council of the City of Jacksonville that the Zoning Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this the 3<sup>rd</sup> day of August, 2011.

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Sammy Phillips, Mayor

ATTEST:

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Carmen K. Miracle, City Clerk



## Draft Planning Board Minutes – July 11, 2011

Agenda  
Item: **3**

Public Hearing (*Legislative*) – Creation of Section 87 Planned Development (PD) Districts, Amendments to Section 10 Definitions, Section 13 Zones & Boundaries and Section 136 Changes & Amendments

Staff has drafted a zoning text amendment that will create provisions for Planned Developments (PD). This will bring a new section to the zoning ordinance that would have allowed developments such as Carolina Forest, Williamsburg Plantation and The Villages at Cypress Creek to be approved in one approval instead of the series of approvals that were required. In addition, staff believes this will allow a developer the ability to mix uses and apply greater flexibility to the development process in anticipation of a development quality that exceeds the minimum standards.

Staff has utilized the 2nd module of the proposed Unified Development Ordinance (UDO) which has been reviewed and accepted by the UDO Steering Committee.

Staff recommends the Planning Board move to approve the zoning text amendment found in Attachment A.

Mr. Quinn asked about the definition or the purpose statement under PDT. Mr. King replied the PDT is more of what you think of in downtown. PDR is what Williamsburg Plantation is; it's just residential there is no commercial in the middle of the development. Carolina Forest is closer to being a PDT because you do have some areas that were allotted for commercial, but haven't been developed. Mr. Quinn asked for a classification of the development on Military Cutoff in Wilmington (Mayfair). Mr. King replied that is more of a PDC, which is more commercial.

Mr. Spring asked was it the developer's initiative to come forward with this application for the district? Mr. King replied if this gets adopted into the ordinance, it will be up to the developer. Mr. Spring asked what are the provisions if the developer goes bankrupt or decides to sell off portions of the development. Mr. Goodson stated the master plan would still be approved. Who ever bought the property could still use the same master plan approved by City Council. This kind of district is attractive to developers because they can develop their own development. They can decide the density, the setbacks, what type of usage and a unified signage plan. Once City Council approves the Master Plan it shows on each lot what the usage will be, what the density will be and what the square footage of commercial will be. Once they approve the Master Plan, and when they bring the site plan back to staff. Staff can approve it as long as it's consistent with the master plan. It does not have to go back to City council.

Attachment

**B**

Ms. Joos asked how does this fit in with the plan that Downtown New Bern is developing around the waterfront. Mr. King replied he is not familiar with New Bern's development.

**Chuck Quinn moved to approve the Creation of Section 87 Planned Development (PD) Districts, Amendments to Sections 10 Definitions, Section 13 Zones and Boundaries and Section 136 Changes and Amendments. Danny Williams seconded the motion.**

**The motion to approve the Creation of Section 87 Planned Development (PD) Districts, Amendments to Sections 10 Definitions, Section 13 Zones and Boundaries and Section 136 Changes and Amendments was unanimously approved by the Board Members present.**



# Request for City Council Action

Consent  
Agenda  
Item: **4**  
Date: 8/3/2011

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**Subject:** City Code Amendment – Chapter 22 – Erosion and Sedimentation – Section 7.2 – Graded Slopes and Fills

**Department:** Public Services/Engineering

**Presented by:** Tom Anderson

**Presentation:** No

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## Issue Statement

The State has revised the law concerning the time allowed before ground cover must be established and is now requiring all local programs to amend their ordinance to reflect this change. The City's existing ordinance allows 15 working days or 30 calendar days whichever comes first to establish ground cover on graded slopes. State law now requires ground cover on graded slopes to be established within 21 calendar days of completion of any phase of grading.

## Financial Impact

Undetermined

## Action Needed

Consider Revision to Section 22-7.2 of the City Code

## Recommendation -

Staff recommends Council approve the revision to Section 22-7.2 of the City Code as required by State Law.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Ordinance Amending Section 22-7.2 of the City Code



# Staff Report

Consent  
Agenda  
Item:

4

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## City Code Amendment – Chapter 22 – Erosion and Sedimentation Section 7.2 – Graded Slopes and Fills

### **Introduction**

The State has changed the law concerning the time allowed before ground cover has to be established on graded slopes and is now requiring all local programs to revise their ordinances to reflect this change

### **Procedural History**

The City's current ordinance allows the lesser of 15 working days or 30 calendar days to establish ground cover but in order to remain in compliance with the State's revised law the City's Ordinance will need to be changed to: 21 calendar days as shown below:

### **Sec. 22-7. Mandatory Standards for Land disturbing Activity**

#### **(2) Graded Slopes and Fills**

The angle for graded slopes and fills shall be no greater than the angle, from zero to nineteen degrees, which can be retained by vegetative cover or other adequate erosion control devices. Exposed slopes will within ~~15 working days or 30~~ **21** calendar days of completion of any phase of grading, ~~whichever period is shorter,~~ be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion pursuant to GS §113-A-57(2). Grading to avoid the intent of this Ordinance will not be considered a "phase" of grading.

### **Stakeholders**

- Residents of the City of Jacksonville
- Developers: of the City of Jacksonville
- Contractors: of the City of Jacksonville

### **Options**

Approve the Revision to Section 22-7.2 of the City Code **(RECOMMENDED)**

Pro: City will remain in compliance with the State's Erosion Control Laws and be allowed to maintain their Local Erosion Control Program.

Con: None.

**Deny** the Revision to Section 22-7.2 of the City Code

Pro: None

Con: The City will be out of compliance with the State's Erosion Control Laws and the State may abolish the City's Erosion Control Program.

**ORDINANCE (2011- )**

**AN ORDINANCE AMENDING CHAPTER 22 – EROSION AND SEDIMENTATION  
SECTION 7.2 – GRADED SLOPES AND FILLS OF THE JACKSONVILLE CITY CODE**

BE IT ORDAINED by the City Council of the City of Jacksonville that Chapter 22, Soil Erosion and Sedimentation, Section 7.2 – Graded Slopes and Fills of the Jacksonville City Code is hereby amended as shown to add language shown in bold and to remove language shown with a strikethrough:

Sec. 22-7. Mandatory Standards for Land Disturbing Activity

2. Graded Slopes and Fills

The angle for graded slopes and fills shall be no greater than the angle, from zero to nineteen degrees, which can be retained by vegetative cover or other adequate erosion control devices. Exposed slopes will within ~~15 working days or 30~~ **21** calendar days of completion of any phase of grading, ~~whichever period is shorter~~, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion pursuant to GS §113-A-57(2). Grading to avoid the intent of this Ordinance will not be considered a “phase” of grading.

**This ordinance shall become effective on September 3, 2011.**

Adopted by the City Council of the City of Jacksonville in regular session, this 3<sup>rd</sup> day of August, 2011.

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Sammy Phillips, Mayor

ATTEST:

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Carmen K. Miracle, City Clerk

Attachment

**A**



# Request for City Council Action

Consent  
Agenda  
Item: **5**  
Date: 8/3/2011

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**Subject:** Uncollectible Water, Sewer and Sanitation Accounts

**Department:** Finance

**Presented by:** Gayle Maides

**Presentation:** No

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## Issue Statement

This group of uncollectible accounts from the City's utility receivables had services terminated in 2005. A detailed list of these 391 accounts (to include the customer's name, the amount owed, and the date the charges were incurred) is available in the Finance office for review.

## Financial Impact

The total amount to be written off for utilities is \$43,820.73. The bad debt expense in the approved budget for utilities is \$52,228.00.

## Action Needed

Provide authorization to write off the uncollectible utility accounts terminated in 2005.

## Recommendation

Staff recommends that Council authorize writing off the 391 utility accounts as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments: None



# Staff Report

Consent  
Agenda  
Item: **5**

## Uncollectible Water, Sewer, and Sanitation Accounts

### Introduction

The Finance Department is recommending 391 accounts from the City's utility receivables, totaling \$43,820.73 be written off. This group of uncollectible accounts all had service terminated in 2005 and write off is requested based on the age of these accounts. Each of these accounts have been researched and investigated thoroughly. Eligible accounts have been reported to a national credit reporting agency. Those accounts with balances over \$50.00 have also been submitted to the North Carolina Debt Setoff database. Should payment be received in the future on any of these accounts, the write off will be reversed and the payment will be posted. At this point, all effective avenues of collecting these debts have been exhausted.

Should these customers attempt to obtain future services with the City, they will be required to pay this debt before any utility account or service account will be opened.

### Financial Analysis

Explanation	Balance	Number of Accounts	Average Debt
Balance < \$50.00 and not eligible for NDCDS program. Assigned to Online Collections	\$3,122.61	134	\$23.30
Customer is Deceased	\$2,228.29	15	\$148.55
Bankruptcy Losses (Chapters 7, 11 & 13)	\$655.96	7	\$93.71
Balance > \$50.00 and entered in NCDS program and Online Collections	\$37,813.87	235	\$160.91
<b>Total Uncollectible Accounts</b>	<b>\$43,820.73</b>	<b>391</b>	<b>\$112.07</b>

### Procedural History

Accounts are submitted for write off when no payment is received five years after termination of account.

### Stakeholders

- Citizens and taxpayers of the City

## **Options**

Approve the write off request for the items totaling \$43,820.73 from the City's utility receivables. **RECOMMENDED.**

Pros: Avoid an audit finding because receivables are properly stated.

Cons: None.

Deny the write-off request.

Pros: None

Cons: Risk an audit finding due to overstating receivables.



# Request for City Council Action

**Consent  
Agenda  
Item:** **6**  
**Date:** 8/3/2011

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**Subject:** Tax Releases, Refunds, and Write-Offs

**Department:** Finance

**Presented by:** Gayle Maides, Assistant Finance Director

**Presentation:** No

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## Issue Statement

The County/City Tax Collector and the City's Finance Director recommend releases, refunds, and write-offs of property taxes as attached. The detail list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) is available in the Finance Office for review.

## Financial Impact

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$31,335.76, \$134,781.10, and \$39.00 (\$166,155.86).

## Action Needed

Review the tax releases, refunds and write-offs.

## Recommendation

Staff recommends Council approve the tax releases, refunds and write-offs.

Approved: ☒ City Manager ☐ City Attorney

## Attachments:

A Tax Releases, Refunds, and Write-offs



# Staff Report

Consent  
Agenda  
Item:

6

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## Tax Releases, Refunds, and Write-Offs

### Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$31,335.76, \$134,781.10, and \$39.00 (\$166,155.86).

Most of the Releases and Refunds are due to:

- 1) Clerical and/or addition errors on the Onslow County Abstracts,
- 2) Double charges for the same property,
- 3) Property erroneously listed as in this City,
- 4) Senior citizens exemptions,
- 5) Military non-resident.

Write-offs are due to:

- 1) A bill that is \$3.00 or less
- 2) An over or underpayment of \$1.00 or less.

Other releases and refunds just have notations indicating that interest only is being released and there will be no corresponding reference explanation. The County's computer system automatically accrues interest on the first day of the month. There will be times when the County received payment on the day before or even on the same day that the account has accrued the interest. The County will adjust their accounts to remove the interest that was automatically charged in lieu of having accounts with balances usually less than \$1.00.

The listing of proposed releases, refunds and write-offs as submitted by the Tax Collector, are in conformity with the law. Based upon this information as provided, which is believed to be true and accurate, I recommend your approval of these tax releases, refunds, and write-offs.



# **TAX RELEASE SUMMARY**

**MAY 2011**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2010	101-0000-111-0000	0.005380	22,485.33	591.17	23,076.50	4,179,429.37
2009	101-0000-111-1000	0.006260	7,137.35	527.44	7,664.79	1,140,151.76
2008	101-0000-111-1000	0.006260	77.44		77.44	12,370.61
2007	101-0000-111-1000	0.006260	369.26		369.26	58,987.22
2006	101-0000-111-1000	0.005316	108.18		108.18	20,349.89
2005	101-0000-111-1000	0.005900			-	-
2004	101-0000-111-1000	0.005900			-	-
2003	101-0000-111-1000	0.005900	30.50		30.50	5,169.49
2002	101-0000-111-1000	0.005900			-	-
2001	101-0000-111-1000	0.005900	9.09		9.09	1,540.68
2000	101-0000-111-1000	0.005900			-	-

TOTAL	30,217.15	1,118.61	31,335.76	5,417,999.01
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'00-09	8,259.26
2010	23,076.50

**TAX REFUND SUMMARY**

**MAY 2011**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2011	101-0000-325-1000	0.005380	2602.10	-	-	2,602.10	483,661.71
2010	101-0000-311-0000	0.005380	24,542.81	8.17	28.78	24,579.76	4,561,860.59
2009	101-5000-412-2000	0.006260	30,033.86	134.78	56.46	30,225.10	4,797,741.21
2008	101-5000-412-2000	0.006260	29,932.96	145.74	21.87	30,100.57	4,781,623.00
2007	101-5000-412-2000	0.006260	28,719.45	0.57	18.28	28,738.30	4,587,771.57
2006	101-5000-412-2000	0.005316	18,532.04	3.23	-	18,535.27	3,141,023.73
2005	101-5000-412-2000	0.005900	-	-	-	-	-
2004	101-5000-412-2000	0.005900	-	-	-	-	-
2003	101-5000-412-2000	0.005900	-	-	-	-	-
2002	101-5000-412-2000	0.005900	-	-	-	-	-
2001	101-5000-412-2000	0.005900	-	-	-	-	-
2000	101-5000-412-2000	0.005900	-	-	-	-	-
<b>TOTAL</b>			<b>134,363.22</b>	<b>292.49</b>	<b>125.39</b>	<b>134,781.10</b>	<b>22,353,681.82</b>

# **TAX WRITE-OFF SUMMARY**

**MAY 2011**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2010	101-0000-111-0000	0.005380	38.87	-	38.87	7,224.91
2009	101-0000-111-1000	0.006260	0.13	-	0.13	20.77
2008	101-0000-111-1000	0.006260	-	-	-	-
2007	101-0000-111-1000	0.006260	-	-	-	-
2006	101-0000-111-1000	0.005316	-	-	-	-
2005	101-0000-111-1000	0.005900	-	-	-	-
2004	101-0000-111-1000	0.005900	-	-	-	-
2003	101-0000-111-1000	0.005900	-	-	-	-
2002	101-0000-111-1000	0.005900	-	-	-	-
2001	101-0000-111-1000	0.005900	-	-	-	-
2000	101-0000-111-1000	0.005900	-	-	-	-

TOTAL	39.00	-	39.00	7,245.67
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2000-2009	0.13
2010	38.87



# Request for City Council Action

Agenda Item:	<b>7</b>
Date:	8/3/2011

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**Subject:** Center for Public Safety Cost Savings Design Modifications

**Department:** City Manager's Office

**Presented by:** Richard Woodruff, City Manager; Alan Hunter, Project Architect

**Presentation:** Yes

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## Issue Statement

By letter dated July 12, 2011, the City staff provided Gantt Huberman, Architects with a list of 24 potential cost-saving modifications to the Center for Public Safety.

On July 18, 2011, Project Architect, Alan Hunter, responded with specific cost estimates relative to those modifications.

On Tuesday, July 26, 2011, City staff met with the architectural team to further discuss each of the potential modifications.

Based upon that discussion, the senior management recommends the modifications (Attachment A) for Council consideration.

## Financial Impact

Estimated savings of \$1,415,349.

## Action Needed

Consider the proposed modifications

## Recommendation

Staff recommends Council approve the recommended design modifications or discuss and choose specific modifications to approve.

Approved: ☒ City Manager ☐ City Attorney

## Attachments:

- A Recommended Modifications
- B Gantt Huberman Architects Letter
- C Letter to Gantt Huberman Architects

Center for Public Safety  
City of Jacksonville  
Recommended Modifications

Introduction

By letter dated July 12, 2011, the City staff provided Gantt Huberman, Architects with a list of 24 potential cost-saving modifications to the Center for Public Safety. On July 18, 2011, Project Architect, Alan Hunter, responded with specific cost estimates relative to those modifications. On Tuesday, July 26, 2011, City staff met with the architectural team to further discuss each of the potential modifications. Based upon that discussion, the senior management recommends the following modifications for Council consideration:

	Modification	Recommended	Cost Savings
1.	Eliminate Entry Lobby Clerestory	Yes	\$27,027
2.	Eliminate Fire Station Maintenance Bay	Yes	\$231,719
3.	Smooth brick in lieu of Glaze Masonry	Yes	\$736,044
4.	Hurricane Rating Redesign	No	
5.	Eliminate Taxi Lobby Area	No	
6.	Evidence Storage Area Finishes	Yes	\$51,018
7.	Armory Finishes	Yes	\$3,189
8.	Sally Port Modifications	Yes	\$65,788
9.	Holding Tank Plumbing Fixtures	Yes	\$7,630
10.	Assembly Hall Modification	Yes	\$107,781
11.	Skylight/Communications Area	No	
12.	Reduce Security Cameras in Police Area	Yes	TBD
13.	Eliminate Rooftop Terrace	Yes	\$84,034
14.	Reduce Generator Fuel Supply	No	
15.	Reduction in Workstations	No	
16.	Freight Receiving Area	No	
17.	Eliminate Accreditation Workspace	No	
18.	Modify the Number of Windows	No	
19.	Eliminate Built-in Lift	Yes	Not part of original project
20.	Change Floor finish in Apparatus Bays	Yes	\$74,911
21.	Reduce Security Cameras Fire area	Yes	TBD
22.	Modify Apparatus Doors	No	
23.	Access Door Controls	Yes	TBD
24.	Modify High Density Storage System	Yes	\$26,208
	TOTAL Recommended Modifications		\$1,415,349

Attachment

**A**

July 18, 2011

Dr. Richard Woodruff  
City Manager  
City of Jacksonville  
815 New Bridge Street  
Jacksonville, NC 28540

Re: Center for Public Safety, City of Jacksonville

Dear Dr. Woodruff:

In reference to the cost saving modifications suggested in your letter to us dated July 12, 2011 we offer the following responses:

- M1 – Entrance Lobby Clerestory  
Cost Savings: \$27,027.  
Recommendation: This modification can be a Bid Alternate and decided upon after bidding. However, we do not recommend this modification because we believe that the citizens of Jacksonville expect and deserve a modern, state of the art facility with a welcoming day-lit lobby. The clerestory also contributed to energy efficiency by helping to reduce the need for artificial lighting during the daytime. The relatively small cost savings for this modification do not justify the loss to the integrity of the building design.
- M2 – Fire Station Maintenance Bay  
Cost Savings: \$231,719.  
Recommendation: This decision is an operational question for the City and therefore we do not have a recommendation. However, due to the geotechnical and structural requirements for the building this modification cannot be a Bid Alternate and must be decided to be in or out of the project at this time.
- M3 – Smooth Brick in lieu of Glazed Masonry  
Cost Savings: \$736,044.  
Recommendation: We recommend this modification. The cost savings are significant and the aesthetics of the building's design are not compromised by the selection of this material.

- M4 – Hurricane Rating Design  
Cost Savings: \$0.  
Recommendation: In accordance with the NC Building Code all fire stations, police stations, emergency vehicle garages, and designated emergency preparedness, communications, and operations centers shall be designed as Category IV "Essential Facilities" and also be capable of withstanding 125 mph wind forces in Jacksonville, NC. While there are significant structural costs to building this facility to meet these requirements, they are not optional.
- M5 – Taxi Lobby Area  
Cost Savings: \$83,142.  
Recommendation: This decision is an operational question for the City if taxi permits and inspections are going to be incorporated into this facility. However, the main entrance will require redesign if this space is removed from the project.
- M6 – Evidence Storage Area Finishes  
Cost Savings: \$51,018.  
Recommendation: We recommend this modification. Providing sealed concrete floors and painted structure ceilings does not impact the function of these spaces.
- M7 – Armory Finishes  
Cost Savings: \$3,189.  
Recommendation: We recommend this modification. Providing sealed concrete floors and painted structure ceilings does not impact the function of this space.
- M8 – Sally Port  
Cost Savings: \$65,788.  
Recommendation: We recommend this modification. The Police Department stated that most of the arrest booking will now occur at the County Justice Facility and these additional parking spaces are not needed.
- M9 – Holding Tank Plumbing Fixtures  
Cost Savings: \$7,630.  
Recommendation: We do not recommend this modification. If persons are going to be restrained in this room, then bathroom fixtures should be provided. Also note that we agreed to provide a Strip Search Room in lieu of a Bathroom in the adjacent Processing Area.

M10 – Assembly Hall (Training/Community Room)

Cost Savings: \$107,781.

Recommendation: We recommend part of this modification. The cost savings above are only to remove the operable partition and the balconies. The additional removal of space from this room does not provide cost savings due to the creation of additional roof area over the first floor offices. The operable partition can also be a separate Bid Alternate for approximately \$37,700. The balconies cost approximately \$70,000. but cannot be a separate Bid Alternate and need to be decided to be in or out at this time.

M11 – Communication/Investigative Services Division

Cost Savings: \$0.

Recommendation: We do not recommend this modification because there are no cost savings. The clerestory above Corridor 2091 costs \$49,140. The addition of solar tubes or fiber optics to provide natural lighting in the Communications areas would off-set these savings as well as introduce numerous unwanted penetrations through the roof. Additionally, moving the Investigative Services Division onto the roof over the Evidence area creates turns in the building perimeter and adds exterior wall surface area that will cost more than the original design.

M12 – Cameras/Security

Cost Savings: TBD

Recommendation: A thorough review of the security systems will be conducted with the City, Police, and Fire Departments to provide the most efficient system that meets your needs. This recommendation will be reviewed after our security meetings.

M13 – Rooftop Terrace

Cost Savings: \$84,034.

Recommendation: We recommend this modification. The Police Department already offered to significantly reduce the size of this space and the Fire Department has stated that they will not use this space. This area was also not part of the original Program for the project.

M14 – Generator Fuel Supply Reduced to 48-Hours

Cost Savings: \$5,160.

Recommendation: We recommend this modification if this is in compliance with the City's planned operational procedures during a disaster or time of need. However, please note the relatively small cost to achieve an additional 24-hours of generator power.

M15 – Reduction in Workstations

Cost Savings: \$0.

Recommendation: These workstations are part of a separate furniture budget and reducing this quantity does not change the construction budget. Per our last meetings with the Fire Department, Rooms 2099 and 2111 were sub-divided with stud walls and less workstations will fit into these rooms.

M16 – Freight Receiving Area

Cost Savings: \$0.

Recommendation: The Freight Receiving area was not a part of the original Program for this building; therefore, removing it does not impact the construction budget.

M17 – Accreditation Workspace

Cost Savings: \$0.

Recommendation: An Accreditation Office for the Fire Department was not a part of the original Program for this building; therefore removing it does not impact the construction budget.

M18 – Reduce the Number of Windows

Cost Savings: N/A

Recommendation: We do not recommend this modification. There is not enough quantity of curtain wall windows to replace with masonry wall area to make this modification cost effective. Even a building with no windows at all would save less than \$250,000. This would also completely change the building elevations and the aesthetics of the design that has been approved. Revisiting of the building elevations again could have an extreme negative impact on the project schedule.

- M19 – Built-In Lift  
Cost Savings: \$0.  
Recommendation: An apparatus vehicle lift has not been included in the costs of the project to date, therefore this modification has no construction cost savings.
- M20 – Floor Finish in Apparatus/Maintenance Bays  
Cost Savings: \$74,911.  
Recommendation: We recommend this modification. The cost above compares concrete to a tile floor. We recommend an epoxy floor equal to Stonhard. However, either a tile or epoxy floor can be installed over the sealed concrete floor at a future date with some preparation.
- M21 – Security Cameras  
Cost Savings: See M12.  
Recommendation: See M12.
- M22 – Apparatus Bay Doors  
Cost Savings: \$32,323.  
Recommendation: We do not recommend this modification. We recommended the bi-folding doors because the side opening and operating speed of these doors help prevent contact with the Fire vehicles. The approximate savings of \$4,000 per door could quickly be lost in damage and/or maintenance costs.
- M23 – Access Door Controls  
Cost Savings: See M12.  
Recommendation: See M12.
- M24 – High Density Storage System  
Cost Savings: \$26,208.  
Recommendation: We recommend this modification. For little additional construction cost we will design the floor structure in this area to accommodate the future installation of a surface mounted high-density shelving system.

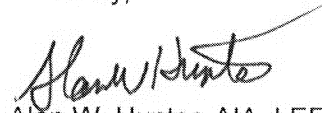
Based upon the Modifications that we recommend above, we have identified approximately \$1,150,000. in cost savings. Please note that this does not yet include the Modifications that require operational decisions by the City such as the Maintenance Bay or Taxi area, nor the savings to be determined from the Security Systems review. Also note that the Design Development cost estimate carries a 5% Design Contingency of \$1,126,287. that is to be integrated into the building design as we complete the construction Contract Documents.

Dr. Richard Woodruff  
July 18, 2011  
Page 6

We believe that the savings identified thus far combined with continued diligence during the construction Contract Documents phase can bring this project in on budget. We will review this issue further during our meetings with you next week and we can discuss how best to proceed with the project and schedule.

As always, please feel free to call with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan W. Hunter". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Alan W. Hunter, AIA, LEED AP BD+C  
Gantt Huberman Architects

c: Harvey Gantt, FAIA; Gantt Huberman Architects

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# City of Jacksonville

City Manager's Office



July 12, 2011

Mr. Alan Hunter  
Gantt Huberman Architects, PLLC  
500 North Tryon Street  
Charlotte, NC 28202

Subject: Center for Public Safety, City of Jacksonville

Dear Mr. Hunter:

Over the last several days, the City of Jacksonville staff has been reviewing the conceptual floor plans and site plan for the Center for Public Safety. It is our understanding that your most recent opinion of probable cost is \$1.5 million ahead/beyond the current budget for the overall project. Generally, this means that the project budget of \$22.3 million would be exceeded by approximately \$1.5 million, for a current projected cost of \$23.8 million, should the City proceed to bid the project as currently designed.

As we discussed with you and other representatives of your team, the City of Jacksonville administrative staff is obligated to analyze a series of project alterations which could reduce the project cost. It is certainly not acceptable for us to simply present the increased cost to the City Council and ask them to pass that cost on to the taxpayers. Therefore, the purpose of this transmittal is to identify potential project alterations which could result in a reduction in the overall project cost. It is requested that each of these potential modifications to the project be analyzed by your team and a cost savings amount be identified.

It is my understanding that the increase in cost projection has primarily resulted from two components. Component one is the fact that construction material and labor costs are beginning to rise again in this economy. The second component is the cost associated with an alternative to stormwater ponds. This alternative to storm water ponds has been identified as sand filters which will add approximately \$400,000 to the project.

Based upon input from police and fire personnel as well as additional analysis by the senior management of the City, we are requesting that you analyze the following modifications:

Senior management suggested modifications:

M1 - Elimination of skylight in foyer -- This modification would continue the overall design of the foyer but would eliminate the skylight.

Attachment

**C**

M2 - Elimination of apparatus bay/maintenance bay in the Fire Department -- This modification would result in the elimination of the bay which has been proposed for use as the maintenance bay for larger fire equipment. This elimination would not impact the storage areas and other mechanical sections proposed for the very end of the fire bays.

M3 - Exterior material modification -- This modification would request that you analyze alternatives to the proposed pavers/materials used for the exterior of the building. In previous conversations, it is our understanding that you have already identified an optional material which continues the overall look of the building, but would be substantially less expensive for purchase and installation.

M4 - Hurricane rating design -- This modification would result in certain portions of the building being downgraded from a design standard of Category 4 hurricane to Category 2 hurricane. The current building is totally designed for Category 4. It is requested that you consider changing the apparatus bays to a Category 2 while the remainder of the building would be Category 4.

Police Department suggested modifications:

M5 - Taxi lobby area -- This modification would eliminate that portion of the building set aside for the taxi lobby. This would physically move the exterior of the building's first floor inward.

M6 - Evidence area -- This modification would result in changes to the floor and ceiling finish in the evidence and storage areas. These would be downgraded to a cement floor and the acoustical tiling would be eliminated. The ceiling in the crime lab area would remain acoustical tile.

M7 - Armory -- This modification would change the floor and ceiling finish work in the armory area. The flooring would be downgraded to a cement floor and the acoustical tile ceiling would be eliminated.

M8 - Sally port -- This modification would result in a substantial reduction/downsizing of the sally port. Instead of having parking spaces on both sides of the access area, the outermost parking would be eliminated thereby reducing the size of the sally port by approximately 30%.

M9 - Holding cell Room 1091 -- This modification would eliminate the bathroom in the main holding cell area Room 1091. However, the area would still be constructed with a concrete cap, but the actual fixtures would not be installed.

M10 - Assembly Hall A-3 -- This modification would result in assembly Hall A-3 being reduced in size. The room divider mechanism would be eliminated and the adjacent balcony would be eliminated.

M11 - Design changes communication/investigative services division -- This modification would result in a redesign of the communications and investigative services division. We will eliminate the celestial/skylights from communications area and explore using fiber optics or flexible skylight material to introduce natural light into the area rather than having a skylight. We would also move the investigative services offices to areas behind the interview room/special ops and rotate the layout of the communications division.

M12 - Cameras/security -- This modification would reduce the number of cameras in rooms and hallways. Through this a substantial number of security cameras can be eliminated.

M13 - Exterior terrace, second floor, rear -- This modification would result in the removal of the exterior terrace on the second floor rear of the building.

Fire Department suggested modifications:

M14 - Generator fuel supply -- This modification would reduce the size of the generator fuel supply to a 48 hours supply.

M15 - Reduction in workstations -- Reduce the number of workstations and rooms 2099, 2111, and 1155.

M16 - Freight receiving area -- Eliminate the freight receiving area previous comment number 27.

M17 - Accreditation workspace -- This modification would eliminate the accreditation workspace previous comment number 28.

M18 - Reduce number of Windows -- This modification would reevaluate the glazing type of windows used throughout the building and would potentially reduce the number/amount of glass in the building.

M19 - Built-in lift -- This modification would eliminate the built-in lift for the vehicles in the maintenance bay.

M20 - Floor finish in fire bays/maintenance bays -- This modification would replace the tile in the apparatus/maintenance bays with finished and sealed concrete floors.

M21 - Security cameras -- This modification would reduce the number of security cameras by 12 cameras in the Fire Department.

M22 - Apparatus bay doors -- This modification would change the apparatus bay doors to overhead style doors.

M23 - Access door controls -- This modification would reduce the total number of access door controls by seven in the Fire Department.

M24 - High density storage system -- This modification would eliminate the high density storage system in room 2098 and would go back to basic filing cabinets.

For many of these modifications, it will be necessary for us to have a teleconference to further explain the proposed modification. For your assistance, floor plan modifications are attached for many of the recommendations.

In performing your analysis, it is requested that you respond to each proposed modification showing the potential savings to the project. It is also requested that in your response, you keep the same format so that the modification numbers, as shown in this letter, will stay consistent for our files and analysis.

Based upon your request, authorization is hereby given for you to proceed with the design of the building for those components which would not be impacted by any of these suggested modifications. However, any component of the building which could be impacted by these modifications, should not have design work performed at this time.

When you have completed your analysis, we will conduct a workshop with the Mayor and Council for their input and direction. It is hoped we can accomplish this within the next 30 days.

Overall, the City of Jacksonville would like to commend you and your staff for the energy and effort which you are now expending in this project. We believe that the project is now moving forward so that we can successfully bid this project this fall with an expected project commencement in early 2012. We look forward to continued progress and a cooperative relationship. Please contact us in the next several days for clarification of any of these matters.

Respectfully Submitted,

Richard L. Woodruff  
City Manager

cc Mayor and Council  
Ron Massey  
John Carter  
Wally Hanson  
Chief Yaniero  
Deputy Chief Malfitano  
Chief McIntyre  
Deputy Chief Lee